

Public Document Pack

MID DEVON DISTRICT COUNCIL

A MEETING of the **MID DEVON DISTRICT COUNCIL** will be held in the Phoenix Chambers, Phoenix House, Tiverton on Wednesday, 27 October 2021 at 6.00 pm

ALL MEMBERS of the **COUNCIL** are summoned to attend for the purposes of transacting the business specified in the Agenda which is set out below:

[The next meeting is scheduled to be held in Tiverton on Wednesday, 22 December 2021 at 6.00 pm]

STEPHEN WALFORD

Chief Executive

19 October 2021

PLEASE NOTE: - this meeting will take place at Phoenix House and members of the Public and Press are encouraged to attend via Zoom wherever possible. The Protocol for Hybrid Meetings explains how this will work. Please do not attend Phoenix House without contacting the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

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AGENDA

1 **Apologies**

To receive any apologies for absence.

2 **Public Question Time**

To receive any questions relating to items on the agenda from members of the public and replies thereto.

3 **Declarations of Interest under the Code of Conduct**

Councillors are reminded of the requirement to declare any interest, including the type of interest, and the reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.

4 **Minutes** (*Pages 7 - 14*)

Members to consider whether to approve the minutes as a correct record of the meeting held on 25 August 2021.

The Council is reminded that only those Members present at the previous meeting should vote and, in doing so, should be influenced only by seeking to ensure that the minutes are an accurate record.

5 **Chairman's Announcements**

To receive any announcements which the Chairman of the Council may wish to make.

6 **Petitions**

To receive any petitions from members of the public.

7 **Notices of Motions**

(1) MOTION 576 – (COUNCILLOR MRS N WOOLLATT – 14 OCTOBER 2021)

The Council has before it a **MOTION** submitted for the first time.

“Many councils and councillors across England have called for the ability to be able to attend and vote on line. Whilst we will always want councillors to be able to meet in person, there needs to be the provision for some members to be online, for example if they are vulnerable, self-isolating, have caring responsibilities or difficulties with transport. It is also in line with reducing carbon emissions to zero by 2030.

Our hybrid system of meetings are currently working well, but non-voting members attending online are not currently allowed to be recorded as having attended even though they can raise issues and contribute to the debate! Equally it would be very useful if voting members of a committee could have the flexibility to attend online if they find themselves in circumstances preventing physical attendance. This would help to reduce the risk of meetings not being quorate.

Northern Ireland recently agreed in its parliament to allow councils to meet and vote remotely, Wales and Scotland already allow this. England is being left behind.

Therefore:

This Council mandates the Leader to write to the new Secretary of State for Levelling Up, Housing and Communities to call for parity across the UK and enable councillors in England to meet and vote

on line as they see fit.”

In accordance with Procedure Rule 14.4, the Chairman of the Council has decided that this Motion (if moved and seconded) be dealt with at this meeting.

8 Reports (*Pages 15 - 174*)

To receive and consider the reports, minutes and recommendations of the recent meetings as follows:

- 1 Cabinet
 - 31 August 2021
 - 28 September 2021
- 2) Scrutiny Committee
 - 13 September 2021
 - 11 October 2021
- (3) Audit Committee
 - 21 September 2021
- (4) Environment Policy Development Group
 - 7 September 2021
- (5) Homes Policy Development Group
 - 14 September 2021
- (6) Economy Policy Development Group
 - 9 September 2021
- (7) Community Policy Development Group
 - 21 September 2021
- (8) Planning Committee
 - 8 September 2021
 - 22 September 2021
 - 6 October 2021
- (9) Standards Committee
 - 13 October 2021

(10) Regulatory Committee

- 27 September 2021

9 Questions in accordance with Procedure Rule 13

To deal with any questions raised pursuant to Procedure Rule 13 not already dealt with during the relevant Committee reports.

10 Leader's 6 monthly update to Council

The Leader will address the Council.

11 Special Urgency Decisions

Decisions taken under Rule 16 (of the Constitution) Special Urgency – no decisions of this kind have been made since the last meeting.

12 Questions to Cabinet Members

Cabinet Members will answer questions from Members on their Portfolios.

13 Members Business

To receive any statements made and notice of future questions by Members.

Note: the time allowed for this item is limited to 15 minutes.

Covid-19 and meetings

From 7 May 2021, the law requires all councils to hold formal meetings in person. However, the Council is also required to follow government guidance about safety during the pandemic. The Council will enable all people to continue to participate in meetings via Zoom.

You are strongly encouraged to participate via Zoom to keep everyone safe - there is limited capacity in meeting rooms if safety requirements are to be met. There are restrictions and conditions which apply to those in the building and the use of the building. You must not attend a meeting at Phoenix House without complying with the requirements in the new protocol for meetings. You must follow any directions you are given.

Please read the new meeting protocol which is available here: <https://democracy.middevon.gov.uk/documents/s23135/MeetingProtocolUpdateOct2021nextreviewFeb2022.pdf>

If you want to ask a question or speak, email your full name to Committee@middevon.gov.uk by no later than 4pm on the day before the meeting. This will ensure that your name is on the list to speak and will help us ensure that you are not missed – as you can imagine, it is easier to see and manage public speaking when everyone is physically present in the same room. Notification in this way will ensure the meeting runs as smoothly as possible.

If you would like a copy of the Agenda in another format (for example in large print) please contact Sally Gabriel on:

E-Mail: sgabriel@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 25 August 2021 at 6.00 pm

Present

Councillors

R F Radford (Chairman)
Mrs E M Andrews, G Barnell, J Bartlett,
E J Berry, W Burke, J Cairney, S J Clist,
Mrs C Collis, Mrs F J Colthorpe, D R Coren,
L J Cruwys, N V Davey, Mrs C P Daw,
R M Deed, R J Dolley (Vice Chairman),
J M Downes, C J Eginton, R Evans,
Mrs S Griggs, D J Knowles, F W Letch,
B A Moore, Miss J Norton, S J Penny,
S Pugh, D F Pugsley, Mrs E J Slade,
C R Slade, Mrs M E Squires, R L Stanley,
L D Taylor, B G J Warren, A Wilce and
J Wright

Apologies

Councillors

R J Chesterton, P J Heal,
Ms E J Wainwright, A White, Mrs N Woollatt
and A Wyer

33 Apologies (00-08-29)

Apologies were received from Councillors: R J Chesterton, P J Heal, Miss E Wainwright, A White, Mrs N Woollatt and A Wyer.

34 Protocol for Hybrid Meetings (00-08-58)

The protocol for remote meetings was noted.

35 Public Question Time (00-09-33)

There were no questions from members of the public present.

36 Declarations of Interest under the Code of Conduct (00-09-47)

Members were reminded of the need to declare any interests when appropriate.

37 Minutes (00-10-10)

The minutes of the meeting held on 1 July 2021 were agreed as a correct record and signed by the Chairman.

38 **Chairman's Announcements (00-10-41)**

The Chairman informed the meeting that he had attended (on behalf of the Council) a wreath laying ceremony in the Burma Star Memorial Garden, Tiverton on 15th August to commemorate VJ Day along with some Tiverton Members.

39 **Petitions (00-11-34)**

There were no petitions presented.

40 **Notices of Motions (00-11-54)**

1) MOTION 569 - (COUNCILLOR A WILCE – 8 FEBRUARY 2021)

The following motion had been referred to the Standards Committee for consideration and report:

That this Council resolves to ask the Standards Committee to review Rule 14.4 (Automatic Reference to Committee) and to recommend whether this Council should either:

- a) completely remove rule 14.4 or
- b) amend the rule to re-enable the Member putting a Motion forward, and the Member seconding that Motion, to speak to that Motion (and for any further discussion to take place on that Motion that the Chairman may see fit), before that Motion shall stand referred to a Committee or
- c) make no changes

The Standards Committee at its meeting on 7 July considered the Motion and following discussion it was:

RECOMMENDED to Council that option (b) be supported in part to enable the Member putting a Motion forward, and the Member seconding that Motion, to speak to that Motion, before that Motion shall stand referred to a Committee and that Procedure Rule 14.4 be reworded as follows:

If the subject matter of any Motion, of which notice has been duly given comes within the province of the Cabinet, Committee or Policy Development Group, it shall, upon being formally moved and seconded (with those moving and seconding the motion being invited to speak at this point) stand referred to the Cabinet, Committee or Policy Development Group as the Chairman may determine for consideration and report unless an alternative proposition is put forward and is accepted; and that the mover (or in his absence, the seconder) of the Motion should be invited to the meeting of the Cabinet, Committee or Policy Development Group to amplify the Motion, but without any right to vote except as a member of such Committee. Provided that the Chairman may if he considers it convenient and conducive to the despatch of business allow the Motion to be dealt with at the meeting, at which it is brought forward.

Following discussion and upon a vote being taken the **MOTION** (Option B as recommended by the Standards Committee) was declared to have been **CARRIED**.

(2) MOTION 570 (COUNCILLOR A WILCE - 8 FEBRUARY 2021)

This motion had been passed from Council to the Standards Committee for consideration and report:

That, to improve local planning consultation processes and to regularise current Planning Committee practises, this Council resolves to amend Rule 27.5 as follows:

After (Appendix J to the Constitution), is inserted: in addition, the Chair will also permit the following to speak for no more than 3 minutes, without prior notice being required:

1 Adjacent Ward Members

2 Any Member having previously submitted a comment to that application that permission to speak being limited solely to the raising of material planning considerations relating directly their Ward, or else to any relevant planning policy or plan appertaining to this Council.

So as to read:

27.5 Any Councillor may attend any meeting of a committee of the Council and may speak on any agenda item for that meeting. However, in relation to the Planning Committee, the right to speak on a planning application, enforcement item, or other report relating to a particular ward of the Council shall be limited to the rights of a Ward Member to speak as set out in paragraphs 9.2 and 9.3 of the Protocol of Good Practice for Councillors Dealing in Planning Matters (Appendix J to the Constitution); *in addition, the Chairman will also permit the following to speak for no more than 3 minutes, without prior notice being required:*

1 Adjacent Ward members

2 Any Member having previously submitted a comment to that Application that permission to speak being limited solely to the raising of material planning considerations relating to directly their Ward, or else to any relevant planning policy or plan appertaining to this Council.

The Standards Committee at its meeting on 7 July considered the Motion and following discussion it was:

RECOMMENDED to Council that Motion 570 not be supported.

Councillor A Wilce requested that in line with Procedure Rule 16.5 he wished to alter the motion by the insertion of a line in a final paragraph as set out below:

1 Adjacent Ward members

2 Any Member having previously submitted a comment to that Application

that permission to speak being limited solely to the raising of material planning considerations relating to directly their Ward, or else to any relevant planning policy or plan appertaining to this Council.

This was **AGREED**.

Consideration was given to:

- The need to continue to rely on the Chairman's discretion allowing adjacent Ward members to speak to planning applications should that application impact on their ward.
- Whether Appendix J to the Constitution should be amended so that the procedures were clear and that members were treated in a fair and consistent way
- If notice was given of a request to speak, the Chairman of the Planning Committee would consider this.
- The impact on the length of the meeting should a number of members (particularly if the application was in a town) did request to speak.

Upon a vote being taken the **MOTION** was declared to have **FAILED**.

41 **Cabinet - Report of the Meeting of 6 July 2021 (00-32-05)**

The Leader presented the report of the meeting of the Cabinet held on 6 July 2021.

1. **Annual Treasury Management Report (Minute 32)**

The Leader **MOVED**, seconded by Councillor B A Moore:

THAT the recommendations of the Cabinet as set out in Minute 32 be **APPROVED**

Following discussion and upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

Reason for the Decision – there is a need to approve the Annual Treasury Management Review in line with CIPFA guidance

Note: Councillors J M Downes and J Wright requested that their abstention from voting be recorded.

42 **Cabinet - Report of the meeting held on 3 August 2021 (00-37-53)**

The Leader presented the report of the meeting of the Cabinet held on 3 August 2021.

43 **Scrutiny Committee - Report of the meeting held on 19 July 2021 (00-38-43)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 19 July 2021.

44 Scrutiny Committee - Report of the meeting held on 16 August 2021 (00-39-26)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 16 August 2021.

45 Audit Committee - Report of the meeting held on 27 July 2021 (00-40-07)

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 27 July 2021.

46 Environment Policy Development Group - Report of the meeting held on 13 July 2021 (00-40-57)

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 13 July 2021.

47 Homes Policy Development Group - report of the meeting held on 20 July 2021 (00-41-43)

The Chairman of the Homes Policy Development Group presented the report of the meeting of the Group held on 20 July 2021.

48 Economy Policy Development Group - Report of the meeting held on 15 July 2021 (00-42-40)

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 15 July 2021.

49 Community Policy Development Group - Report of the meeting held on 27 July 2021 (00-43-20)

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 27 July 2021.

50 Planning Committee - Report of the meeting held on 14 July 2021 (00-44-03)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 14 July 2021.

She also paid tribute to Mrs Jenny Clifford, Head of Planning, Economy and Regeneration who had recently left the Council, wishing to record acknowledgment of her long service and her friendly and helpful manner.

51 Planning Committee - Report of the meeting held on 28 July 2021 (00-46-09)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 28 July 2021.

52 Planning Committee - Report of the meeting held on 11 August 2021 (00-46-53)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 11 August 2021.

53 Planning Committee - Report of the meeting held on 18 August 2021 (00-47-22)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 18 August 2021.

54 Standards Committee - Report of the meeting held on 7 July 2021 (00-48-24)

The Chairman of the Standards Committee presented the report of the meeting of the Committee held on 7 July 2021.

55 Licensing Committee - Report of the meeting held on 6 August 2021 (00-49-05)

The Chairman of the Licensing Committee presented the report of the meeting of the Committee held on 6 August 2021.

56 Regulatory Committee - Report of the meeting held on 6 August 2021 (00-49-46)

The Chairman of the Regulatory Committee presented the report of the meeting of the Committee held on 6 August 2021.

57 Questions in accordance with Procedure Rule 13 (00-50-25)

There were no questions submitted under Procedure Rule 13.2.

58 Special Urgency Decisions (00-50-40)

With regard to any decisions taken under Rule 16 (of the Constitution) Special Urgency taken since the last meeting. The Chairman informed the meeting that no such decisions had been taken in that period.

59 Community Governance Review (Parish Boundary Review (00-50-50)

The Council had before it a * report of the Returning Officer providing Council with an opportunity to consider the proposed Community Governance Review (CGR) of parish boundaries in Mid Devon.

The Leader outlined the contents of the report stating that a review of district boundaries had taken place and there was now a need to consider a review of parish boundaries in Mid Devon.

The Leader **MOVED**, seconded by Councillor C R Slade that:

- 1) A Community Governance Review be undertaken;
- 2) The formation of a cross party, politically balanced, group of twelve Members to undertake this Community Governance Review and form an Electoral Review Committee be approved. The selection of the participants of the review committee to be undertaken via the relevant Group Leaders. The committee would be assisted by a consultant who would support them to formulate terms of reference and undertake the consultation process.

- 3) The Electoral Review Committee to report to Council on the interim findings and to subsequently make final recommendations to any changes in parish boundaries felt to be necessary.

Upon a vote being taken, the motion was declared to have been **CARRIED**.

Note: *Report previously circulated, copy attached to minutes.

Reason for the decision – there is a need to undertake a Community Governance Review to support/facilitate local democracy and local representation.

60 **Outside Body Appointment (00-52-56)**

The Council had been requested to seek nominations and appoint (as requested by Churches Housing Action Team) one member of the Council to the management board of CHAT.

Councillor Mrs F J Colthorpe **MOVED**, seconded by Councillor R J Dolley that:

Councillor Mrs M E Squires be the Council's representative on the management board of CHAT.

Upon a vote being taken, the motion was declared to have been **CARRIED**.

61 **Questions to Cabinet Members (00-53-59)**

Councillor J M Downes addressing the Leader in the absence of the Cabinet Member for Planning and Economic Regeneration stated that as Chairman of the Economy Policy Development Group he wished to raise the loss of a director (later corrected as the Head of Planning, Economy and Regeneration) and a senior member of staff from the Economic Regeneration team who had been pivotal during the Covid response with involvement in the provision of business grants, he stated that he would like to be assured that the positions could be filled as quickly as possible.

The Leader stated that the Director of Place would take up his post in October and that other vacancies were currently being addressed. He would request that the Cabinet Member for Planning and Economic Regeneration also provide the member with a written response.

Councillor R J Dolley addressing the Cabinet Member for Finance raised the issue of the missing signage by the disabled bays at the front of Phoenix House, which had been raised by a member of the public.

The Cabinet Member stated that he had already taken this issue up with officers and that the missing signage would be replaced.

Councillor G Barnell addressing the Leader in the absence of the Cabinet Member for Planning and Economic Regeneration wanted to raise the issue of the adequacy of the project management of the Tiverton Eastern Urban Extension; apart from the Garden Village it was the most ambitious, complex conurbation project that the council has entered into. It has one planning officer, part time committed to working with developers, working with the various service providers going onto the site from

education to transport, trying to negotiate the abuse and use of space on that project and trying to develop a masterplan with developers who often are trying to cut corners. The officer is very able and is commended for her work, however the resource involved, in his view was inadequate and there was a need to consider urgently, given the nature of some of the planning issues arising already, were we project managing this correctly and whether we are putting enough resource into it? This is an urgent issue before we start overloading the officer, he therefore asked whether the portfolio holder together with the new Director of Place would re-examine the project arrangements for the Tiverton Eastern Urban Extension and come back with some proposals of how this could be improved?

The Leader stated that he did share the concerns raised. In terms of overloading staff in this area, the Project Board had looked at projects that were outstanding and live, of which there were 82 and as a result of this, a meeting would take place next week to look to resolve issues of resource and what we are going to concentrate on. As a separate point the Cabinet Member for Planning and Economic Regeneration would come back to the member with regard to the project management of the Eastern Urban Extension.

62 Members Business (1-02-45)

Councillor L J Cruwys wished to give notice of changes to the normal routine for the Remembrance Service in Tiverton in November, due to substantial works taking place at St Peters Church. The normal wreath laying would take place at the Memorial Hall at 11am and then the parade would take place through the town past St Peter's Church to the Methodist Church, which was smaller in size, therefore numbers would have to be reduced.

Councillor S J Clist wanted to congratulate officers for inviting Andrew Butler from the NFU to speak to the Economy Policy Development Group where he spoke comprehensively on the agricultural sector, not many members attended to hear this presentation but he believed that Mr Butler would be invited again and which would hopefully be a regular occurrence to provide an update on the agricultural sector and he encouraged all members to attend if this was the case. He hoped that the suggestion for the establishment of a working group would go ahead as he felt it was particularly pertinent to the district.

(The meeting ended at 7.07 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 31 August 2021 at 10.00 am

Present

Councillors

R M Deed (Leader)
Mrs C P Daw, R Evans, D J Knowles,
B A Moore, C R Slade and Mrs N Woollatt

Apologies

Councillor(s)

R J Chesterton

Also Present

Councillor(s)

G Barnell, S J Clist, L J Cruwys, R J Dolley, B G J Warren
and A Wilce

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Business Improvement and Operations), Maria De Leiburne (Operations Manager Legal and Monitoring), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Tristan Peat (Forward Planning Team Leader), Carole Oliphant (Member Services Officer) and Sally Gabriel (Member Services Manager)

55. APOLOGIES (00-03-30)

Apologies were received from Cllr R J Chesterton.

56. PROTOCOL FOR HYBRID MEETINGS (00-03-46)

The protocol for hybrid meetings was NOTED.

57. PUBLIC QUESTION TIME (00-03-53)

Ms Pole referring to Item 7 (Playing Pitch Strategy) on the agenda stated that:

Could the public please have a firm date for provision of a public-accessible 4G pitch in Tiverton, convenient to the local population in a location such as Amory Park? Labour's Jason Chamberlain has been campaigning for this on behalf of clubs and adult and youth football leagues who are asking for this, and it is also needed for other sports such as hockey. Provision of upgraded all weather pitches were in the 2010 play pitch strategy and never happened, and Tivertonians are now looking for firm plans to avoid unnecessary cancellation of matches due to rain, and unnecessary injuries from playing on Astroturf. The recommendations in the new play pitch strategy call for a new all-weather pitch for Tiverton. We are looking for a firm undertaking to provide one in Tiverton conveniently located for access by residents, and for the soonest date by which it is to be delivered.

The Chairman indicated that an answer would be provided when the item was discussed.

58. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-05-46)

Members were reminded to make any declarations of interest when necessary.

59. MINUTES OF THE PREVIOUS MEETING (00-05-56)

The minutes of the previous meeting were approved as a correct record and signed by the Chairman.

60. HOUSING STRATEGY CONSULTATION DRAFT (00-06-05)

Following consideration of the *draft Housing Strategy by the Homes Policy Development Group and the Scrutiny Committee, the following recommendations have been made:

The Homes Policy Development Group at its meeting on 20th July 2021: had recommended to the Cabinet that the draft Housing Strategy 2021 – 2025, attached at annex 1, be approved for external and public consultation.

The Scrutiny Committee at its meeting on 16 August 2021 had recommended that the strategy be approved for consultation subject to:

- Net Zero Carbon terminology be consistent throughout the strategy
- The Project Board to only reference job titles and not named individuals

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the draft strategy has been well received by both the Homes Policy Development Group and the Scrutiny Committee and that now the comprehensive document was before the Cabinet for approval to go out to consultation.

Consideration was given to:

- How well the draft strategy had been received
- Whether the draft strategy was ambitious enough, the housing crisis was about affordability, did the strategy address social housing and council housing and whether the priorities of the Cabinet were correct.
- Whether the 2 week consultation period was sufficient – it was explained that the consultation period would be for the whole of September and that the draft strategy set out what was deliverable, there were possibilities beyond this and that these would be worked on

RESOLVED that:

- a) The draft Housing Strategy 2021-25 as attached to Annex 1 of the report be approved for external and public consultation;

- b) The proposed timeline and stages for adoption of the Housing Strategy be
NOTED

(Proposed by Cllr R B Evans and seconded by Cllr C R Slade)

Reason for the decision – there is a need for public consultation prior to the adoption of the strategy.

Note: * draft Housing Strategy previously circulated, copy attached to minutes.

61. **PLAYING PITCH STRATEGY (00-16-07)**

The Cabinet had before it a *report of the Forward Planning Team Leader requesting the Cabinet to endorse the Mid Devon Playing Pitch Strategy as a technical document that could be used by the Council.

The Leader stated that further work was required to finalise the strategy and it was understood that Sport England would not be able to sign off the Playing Pitch Strategy until early September:

It had therefore been suggested that the report before the Cabinet meeting today be deferred and brought to the next available meeting once the Playing Pitch Strategy had been completed and signed off by Sport England. This would be the meeting of 28 September.

It was also highlighted that Lead officers for both masterplans (the Garden Village and the EUE) are conversant with the salient content of the Playing Pitch Strategy in its current form and the amendments needed to it. With regards the provision of replacement cricket pitches at Cullompton, planning permission had been granted for those on land that would form part of proposed development to the east of Cullompton.

In response to the question posed in public question time, the Forward Planning Team Leader stated that he had been advised by the consultants that 4G pitches do not officially exist according to Sport England and technologies beyond 3G Football Turf Pitches have not been recognised by the sports governing bodies. The strategy (at 3.10) did recognise the lack of 3G football turf pitches in Mid Devon and that there was a need for 3G football turf pitches at Tiverton, Crediton and Cullompton. This finding was consistent with the Mid Devon Local Football Facilities Plan completed by the Football Association. The strategy also noted a number of potential sites in Tiverton, which included Amory Park, Tiverton High School, Blundells School and the Tiverton Eastern Urban Extension. The strategy also included actions and recommendations based on technical assessments, which would require consideration by the Council in the management of its own playing pitch facilities, and also consideration by other providers of playing pitches in Mid Devon.

Consideration was given to:

- Terminology with regard to cricket pitches and it was hoped that these could be corrected
- Reference to the Willand Rovers practice pitch following concerns raised that this had been included in the strategy and not removed as requested
- The possibility of further public engagement prior to the strategy returning to the Cabinet in September for consideration.

It was therefore **RESOLVED** that the item be deferred so that the strategy could be formally signed off by Sport England prior to consideration by the Cabinet at its September meeting.

(Proposed the Chairman)

Note: *report previously circulated, copy attached to minutes.

62. FINANCIAL MONITORING (00-27-55)

The Deputy Chief Executive (S151) provided a verbal report presenting a financial update in respect of the income and expenditure so far in the year. He stated that Council Tax, Business Rates and housing rents were reasonably close to budget. Other income streams were trending close to budget with the exception of car parking and that Leisure was showing signs of recovery. He was pleased to report that commercial rent was above the budget forecast with Market Walk and Fore Street properties being fully occupied. The Government Income Protection Scheme had been withdrawn on 30 June and the Council had made its final recovery claim against the scheme. He also reported that the external auditors work on the financial accounts was ongoing.

63. UPDATE FROM THE CABINET MEMBER FOR CONTINUOUS IMPROVEMENT (00-30-57)

The Cabinet Member for Continuous Improvement informed the meeting that she had been working on 33 cases, 11 of which were now closed, 15 had been actioned which she was continuing to monitor and 7 were with the directors for action. This month she would be focussing on voids and thanked members for their input. She hoped that as many members as possible would attend the briefing on voids that evening. She added that she was continuing to monitor overall numbers of planning cases that had passed their deadlines.

64. NOTIFICATION OF KEY DECISIONS (00-33-20)

The Cabinet had before it and **NOTED** it's *rolling plan for October 2021 containing future key decisions.

Note: *Plan previously circulated, copy attached to minutes.

65. 3 RIVERS DEVELOPMENTS LIMITED UPDATE REPORT (00-35-26)

The Cabinet had before it and **NOTED** a * report from the Deputy Chief Executive (S151) providing an update on current project performance and any key risks.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that works at St Georges Court were on target and that the project had not adversely suffered from the shortage of materials which did seem to be a problem for other developers. He also reported that work had commenced on the Bampton site.

Consideration was given to:

- Whether there was any intention to sell the properties at St Georges Court 'off plan'?
- The amount of profit to be returned from the Halberton site to the Council
- The number of parking spaces available at the Halberton site.
- Whether the company's performance figures would be discussed by the Audit Committee.

66. **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (00-47-00)**

The Chairman indicated that discussion of the following item, may require the Cabinet to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Cabinet would need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

(Proposed by the Chairman)

67. **LESSONS LEARNED FROM THE DISPOSAL OF PARK NURSERY**

At the Cabinet meeting held on the 13 May 2021, during the discussion on the monthly performance update from 3Rivers, it was proposed that the Council reflected on the process taken to dispose of the old Grounds Maintenance depot (Park Nursery), Park Road, Tiverton and to consider whether there were any lessons that could be learned.

The Audit Committee at its meeting on 27 July 2021 undertook such a review and its views would be reported to the Cabinet.

The Cabinet considered and noted the lessons learnt document.

(The meeting ended at 10.56 am)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 28 September 2021 at 10.00 am

Present

Councillors

R M Deed (Leader)
R J Chesterton, Mrs C P Daw, D J Knowles,
B A Moore, C R Slade and Mrs N Woollatt

Apologies

Councillor(s)

R Evans

Also Present

Councillor(s)

S J Clist, L J Cruwys, R J Dolley, B Holdman and
B G J Warren

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Business Improvement and Operations), Karen Trickey (District Solicitor and Monitoring Officer), Paul Deal (Corporate Manager for Finance), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Matthew Page (Corporate Manager for People, Governance and Waste), Tristan Peat (Forward Planning Team Leader), Catherine Yandle (Operations Manager for Performance, Governance and Health & Safety), Sylvia Holme (Executive Assistant) and Sally Gabriel (Member Services Manager)

68. APOLOGIES (00-03.30)

Apologies were received from Cllr R B Evans.

69. PROTOCOL FOR HYBRID MEETINGS (00-03-36)

The protocol for remote meetings was noted.

70. MEETING MANAGEMENT

As the member of the public was having connection issues attending the meeting remotely, the Public Question Time item was moved until that member of the public was available to ask her question.

71. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-04-40)

Members were reminded to make any declarations of interest when necessary.

72. MINUTES OF THE PREVIOUS MEETING (00-05-00)

The minutes of the previous meeting were approved as a correct record and signed by the Chairman.

73. DEVON AND TORBAY WASTE STRATEGY MANAGEMENT PLAN (00-05-31)

Following a report of the Operations Manager for Street Scene, the Environment Policy Development Group had made the following recommendations:

- a) That the proposed amendment to reduce the waste prevention target to 400kg/head/year by 2030 be approved and;
- b) The final Strategy be approved

The Cabinet Member for the Environment and Climate Change outlined the contents of the report stating that the draft Resource and Waste Strategy for Devon and Torbay was published for consultation in March 2021, 214 responses had been received. The Devon Authorities Strategic Waste Committee had resolved that the strategy be endorsed and recommended for final approval to the partner authorities. He made reference to Government proposals and how any legislation might impact on the strategy; once the Government had confirmed its position, the strategy could be reviewed to see if any changes were required.

Consideration was given to:

- The Deposit Return Scheme and the position highlighted within the strategy with regard to concerns about the implications on collection authorities and whether the cost of the proposed scheme was justified as the initiative could reduce the Devon recycling rate by 0.7% and whether this approach was justified when the scheme could actually increase recycling and reduce littering
- The use of Smart Bins
- Whether there was an omission from the strategy in that the authority should be working with the planning department with regard to new developments
- Whether the recycling of textiles in collection bins were being exported

RESOLVED that the recommendation of the Policy Development Group be approved.

(Proposed by Cllr C R Slade and seconded by Cllr D J Knowles)

Reason for the decision - the Authority has a duty to arrange collection for household waste

Note: *Report previously circulated, copy attached to minutes.

74. PUBLIC QUESTION TIME (00-15-57)

Liz Pole referring to Item 7 (Playing Pitch Strategy) on the agenda stated that I'd like to thank everyone who has contributed their work and expertise towards delivering this Play Pitch Strategy report for the district.

I am particularly concerned about the lack of urgency for upgrading infrastructure at Tiverton High School. Residents will be aware that we have been waiting for a planned upgrade to the Tiverton High School site since 2010 – due to political decisions by this government that seem to do down the South West – but may be less aware that we have been waiting for the play pitch recommendations in a 2010 strategy report for the same period. The current Play Pitch Strategy report fails to capture the urgency for remedial provision of facilities at Tiverton High School – for instance in tennis where there is a large, evidenced demand unsupported by the five Tiverton High School tennis courts which have been condemned on health and safety grounds.

The report also fails to capture the THS Head of PE's broad vision for a shared and multi-use regional sports hub at the THS site. I have a concern about the commitment in the document to provision of several multi-use sports pitches in the Eastern Urban Extension, compared to the lack of similar commitment to the THS and the existing community in Tiverton. It is notable that the report mentions Blundells 31 times, but Tiverton High School only 18 times, and Amory Park only 9 times, and I hope that doesn't foretell a political presumption in the siting of a future 3G pitch.

As I mentioned at last month's Cabinet meeting, I am concerned about the lack of urgency in the document and so ask Cabinet to please give some firm undertakings on delivery, particularly of a 3G multi-sports pitch for convenient use by Tiverton High School students, for all residents of Tiverton and for our well supported sports clubs.

The Chairman indicated that answers would be provided under the next agenda item.

75. PLAYING PITCH STRATEGY (00-19-29)

The Cabinet had before it a *report of the Forward Planning Team Leader (deferred from the previous meeting) requesting Cabinet to consider the strategy for further public consultation.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that a new Playing Pitch Strategy was needed for Mid Devon to meet the national planning policy framework requirement, where relevant planning policies should be based on robust and up to date assessments of the need for sport and recreation facilities.

This included quantitative or qualitative deficits or surpluses, and opportunities for new provision. Information gained from the assessments should be used to determine what sport and recreational provision was needed, which plans should then seek to accommodate.

The Playing Pitch Strategy would also need to be consistent with Sport England's guidance (2013) for preparing playing pitch strategies. This guidance included 5 key stages for the preparation of a Playing Pitch Strategy and indicated that the work be taken forward by a project Steering Group. A project Steering Group had been set up to oversee the production of the Mid Devon Playing Pitch Strategy and for approval at the key stages. This had included an elected Member and relevant officers from the Council, Devon County Council, representatives in the South West from national-

governing bodies for the main pitch sports, and Sport England. The Council had used an external consultant, Bennett Leisure and Planning to undertake the technical assessment.

The Mid Devon Playing Pitch Strategy had now been completed. Its findings had been informed through engagement with pitch sports clubs, sports National-Governing Bodies and providers of playing pitch facilities in Mid Devon. This had included contacting town and parish councils and had involved meetings with the main schools and community colleges at Tiverton, Cullompton and Crediton.

The Playing Pitch Strategy included a vision, 6 key objectives and a section for each main pitch sport. Its findings for the district were also split into sub-areas for Tiverton, Cullompton and Crediton, which included actions plans with options and recommendations.

The Playing Pitch Strategy included two appendices which set out recommendations for actions in relation to the masterplanning of strategic planned development at East Cullompton / Culm Garden Village, and at the Tiverton Eastern Urban Extension.

The Planning Policy Advisory Group had met on the 4th August 2021. The group noted the contents of the Playing Pitch Strategy and had expressed a wish that it be subject to public consultation before it was finalised and that this forms part of the recommendation to Cabinet. The Forward Planning Team Leader had subsequently received clarification from Sport England that a wider community consultation was needed on the Playing Pitch Strategy.

It was therefore recommended that in light of Sport England's clarification the Playing Pitch Strategy be published on the Council's website and a minimum 6 week period provided in which public comments could be made on its content. The Playing Pitch Strategy would be amended where necessary before a sign-off was sought from the project Steering Group. A subsequent report would then be brought to the Cabinet to endorse the Playing Pitch Strategy as a technical document.

The Planning Policy Advisory Group has also expressed a wish that a further study was undertaken of built sports facilities, which together with the Playing Pitch Strategy could be used to help inform the preparation of Sports Supplementary Planning Document (SPD) and that this SPD would be subject to public consultation. Cabinet were advised that officers would need to investigate what technical study may be needed for built sports facilities and how this could be used to inform the preparation of a new Local Plan. Officers intended to review SPD needs in connection with the adopted Mid Devon Local Plan at a future meeting of the PPAG so that prioritisation, resources and timing may be considered.

One of the Playing Pitch Strategy's recommendations was to establish a Playing Pitch Strategy Delivery Group with membership of the current Steering Group and other key stakeholders, including main Secondary Schools and Blundells School representatives. To meet on a six monthly basis and progress, monitor and review the Priority Projects and Actions Plans. Officers would investigate how this recommendation could be taken forward. This matter could then be considered at a future meeting of the Council's Development Delivery Advisory Group.

He informed the meeting that officers had received a request from the consultant subsequent to the draft reports being published for this meeting that several amendments be made to the Playing Pitch Strategy before it was consulted on. This followed comments received from representatives for the national sports governing body for rugby:

The consultant has requested that Appendix 1 Mid Devon Playing Pitch Strategy Main Strategy Document September 2021 be amended as follows in relation to:

At paragraph 5.5 Cullompton Sub Area be amended - the third bullet in the table to read:

- The club has the freehold and therefore secured use of the stand and adult pitch on the current site but the other adult pitch and 5 junior pitches it uses are rented privately and may be subject to development proposals in the future. The club has been looking for an alternative site within the area with long term security and which can accommodate enough pitches and appropriate ancillary facilities to cater for growth for some time.

Amend paragraph 5.10 to read:

5.10 The current proposals for Pedlarspool are for four adult pitches plus a training area, with the club exploring the possibility of one of these pitches being 3G FTP. The club will retain the floodlit adult pitch at Creedy Bridge, making five adult pitches and a training area in total. Critically one of the new pitches would be floodlit, crucial to addressing the severe midweek overplay of the current supply.

Amend paragraph 5.11 to read:

5.11 The drainage and pitch maintenance for the proposed pitches at Pedlarspool should be carefully considered to ensure these pitches can accommodate expected growth in the numbers of teams over the life of the strategy.

The consultant had also requested that Appendix 1 Mid Devon Playing Pitch Strategy Site Action Plans September 2021 also be amended for consistency, as follows in relation to the provision of pitches for the Crediton Rugby Club:

Amend the Table D Draft Action Plans – Crediton Sub Area at site reference MDCR.91 by replacing the text in the sixth column, second and third bullets with same text for the amended paragraphs 5.10 and 5.11.

The Forward Planning Team Leader then provided responses to the questions raised in public question time:

- He and the consultant had met the Heads of 4 of the main schools in Mid Devon via video call in February/March of this year, several of those meetings had been with the heads of the PE departments. Those conversations had informed many of the findings in the strategy and those findings had also been considered by the Steering Group. The consultant had been very pleased with the cooperation of all the schools with regard to this work.
- With regard to the 3G football turf pitch provision – the Playing Pitch Strategy did include recommendations for provision in the three main towns and he

confirmed that the 3G football turf pitches were needed and that the recommendations did highlight locations for these and that this would be picked up by the Delivery Group.

- With regard to funding for sports provision, the Council's current Infrastructure Funding Statement identifies Tiverton High School as a priority in the list of infrastructure items needed. The Infrastructure Funding Statement was currently being reviewed and would be presented to the Cabinet later in the year.

Consideration was given to:

- The efforts being made by Tiverton High School, Devon County Council and the MP to progress the relocation of the High School
- Whether there was to be a strategy for swimming and internal sports facilities
- Whether Uffculme School had been consulted as part of the work undertaken
- The consultation process and how this would be advertised using various platforms and how the schools would be engaged

RESOLVED that the content and recommendations within the Mid Devon Playing Pitch Strategy be noted including the amendments at paragraphs 5.5, 5.10, 5.11 and MDCR.91 and that the document be approved for public consultation. Also that officers investigate the need for a built sport facilities study and the merits for a Sports Supplementary Planning Document.

(Proposed by Cllr R J Chesterton and seconded by Cllr C R Slade)

Reason for the decision – to allow for a further consultation process to take place.

Note: *Report previously circulated, copy attached to minutes.

76. **HACKNEY CARRIAGE TARIFF (00-48-00)**

The Cabinet had before it a * report of the Corporate Manager for Public Health, Regulation and Housing putting forward a proposal to increase the maximum table of fares that may be charged to users of Hackney Carriages in Mid Devon.

The Cabinet Member for Community Well-Being outlined the contents of the report stating that: under the Local Government (Miscellaneous Provisions) Act 1976, district councils were able to set the fares that Hackney Carriage vehicles could charge the public for journeys in their area. The Council did not set the fares for Private Hire Vehicles. In setting the fares for taxis, what the Council was trying to do was to strike a balance between the public interest and the interests of the drivers.

He informed the meeting that most issues relating to the licensing of the hackney carriage and private hire trade were matters for the Regulatory Committee to consider. However, in this particular case, the adoption of a Hackney Carriage Tariff was a Cabinet function.

He stated that as set out in the report, Mid Devon previously reviewed the taxi fares in 2010 and the current tariff was attached to the report as Annex 1. Section 3 of the report compared the current Mid Devon tariff with neighbouring authorities and that this was specifically based on a 2 mile journey at tariff 1. This highlighted that Mid

Devon was now the lowest charge regionally. Additionally, Table 1 also showed that the current tariff placed the authority 242nd nationally, out of 362 authorities. Section 4 of the report gave details of the discussions that the Licensing Team had with the trade and the proposals put forward. He then set out the detail of the consultation that had taken place with the trade as highlighted within the report

He asked that the Cabinet agree a tariff for adoption and direct the Licensing Team to carry out all required work to adopt it. As part of the process, the Council needed to advertise the proposed tariff and at that point, any party could make objections against it. If there were any objections, then the matter would be referred back to Cabinet to consider.

He then made the following recommendations for consideration:

- That Proposal A be adopted
- That Tariff 2 starts at 19:00 hours
- That the luggage charge stay as it is (at £0.20)
- That the fouling charge be increased to £100

Consideration was given to:

- Proposal A and the need to consider the times within tariff 2 and 3. It was felt that the daytime tariff was used by the public for necessary daytime trips whereas the later tariff would be used mostly for leisure activities
- Whether 11pm was a suitable time for the tariffs to start or whether 9pm was more suitable
- How the consultation process would be advertised
- The length of time between reviews and that 10 years was rather a long time and whether a five year review would be more appropriate

RESOLVED that:

- a) Proposal A be adopted (as set out in Appendix 1 of the report) subject to an amendment to Tariff 2 so as to read that 'Journeys begun between 9.00pm and 7.00am - all day Sunday and Bank Holidays'; and an amendment to Tariff 3 so as to read that 'Journeys begun between 9.00pm and midnight on Christmas Eve and New Year's Eve; all day Christmas Day, Boxing Day and New Year's Day';
- b) The luggage charge stay as it is at £0.20;
- c) The fouling charge be increased to £100;
- d) Hackney Carriage tariffs be reviewed every 5 years.

(Proposed by Cllr D J Knowles and seconded by Cllr C R Slade)

Reason for the decision – there is a need to set the table of fares that may be charged to users of Hackney Carriages in Mid Devon.

Note: *Report previously circulated, copy attached to minutes.

77. **FINANCIAL MONITORING (1-00-00)**

The Cabinet had before it and **NOTED** a *briefing paper from the Deputy Chief Executive (S151) presenting a financial update in respect of the income and expenditure so far in the year.

The Deputy Chief Executive outlined the contents of the report stating that Council Tax, Business Rates and rent income were above budget. Most of the other budgets were static however leisure and car parking were showing a reduction of income. He had been notified that there would be a 3 year funding settlement but that this would not include Business Rates or the New Homes Bonus. The outcome of the Levelling Up Fund (possibly December) and the Community Renewal Fund bids were still awaited.

Consideration was given to:

- Cabinet would receive the Medium Term Financial Plan in October and that the budget rounds would begin in November
- The impact of the delay on the outcome of the Levelling Up Fund bid on the delivery dates of the Housing Infrastructure Fund for the Cullompton Relief Road

Note: *Briefing paper previously circulated, copy attached to minutes.

78. **PERFORMANCE AND RISK (1-17-39)**

The Cabinet had before it and **NOTED** a * report of the Operations Manager for Performance, Governance and Health and Safety providing Members with an update on the performance against the Corporate Plan and local service targets.

Consideration was given to:

- Missed refuse collections and new drivers being provided with a route map
- The fuel crisis and whether this had been considered as a risk – the meeting was informed that any fuel crisis was acknowledged within the Business Continuity Plans
- The percentage rates of missed collections and whether the actual numbers were available – the meeting was informed that percentage rates were used as part of industry standards and also it allowed benchmarking against other authorities.
- The lack of data for the South West Mutual Bank – this work had been delayed but quarterly updates would be available
- Missed waste collections and if reported the issue would be addressed on the same day if possible
- Replacement recycling boxes and how such replacements could be requested

Note: *Report previously circulated, copy attached to minutes.

79. **UPDATE FROM THE CABINET MEMBER FOR CONTINUOUS IMPROVEMENT (1-34-35)**

The Cabinet Member for Continuous Improvement informed the meeting that:

30 cases were being worked on, 6 of which had now been closed and 18 had been actioned and were being monitored, the remaining cases were with the directors for further action.

She added that overall 40 cases had now been closed, those cases had included planning applications, enforcement cases, waste issues, parking, environmental health issues and empty properties.

80. **NOTIFICATION OF KEY DECISIONS (1-37-53)**

The Cabinet had before it and **NOTED** it's *rolling plan for October/November 2021 containing future key decisions.

Note: *Plan previously circulated, copy attached to minutes.

(The meeting ended at 11.40 am)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 13 September 2021 at 2.15 pm

Present

Councillors

B G J Warren (Chairman)
G Barnell, E J Berry, Mrs F J Colthorpe,
L J Cruwys, Mrs S Griggs, F W Letch,
S Pugh and A Wilce

Apologies

Councillor(s)

P J Heal, R F Radford and Mrs E J Lloyd

Also Present

Councillor(s)

Mrs C P Daw, R M Deed and R Evans

Also Present

Officer(s):

Andrew Jarrett (Deputy Chief Executive (S151)), Maria De Leburne (Operations Manager Legal and Monitoring), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Catherine Yandle (Operations Manager for Performance, Governance and Health & Safety), Mike Lowman (Building Services Operations Manager), Clare Robathan (Policy and Research Officer), Sarah Lees (Member Services Officer) and Sally Gabriel (Member Services Manager)

45 APOLOGIES AND SUBSTITUTE MEMBERS (00-04-15)

Apologies were received from Cllrs: P J Heal, Mrs E Lloyd and R F Radford.

46 HYBRID MEETING PROTOCOL (00-04-36)

The protocol for hybrid meetings was noted.

47 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-05-37)

Members were reminded of the need to declare any interests when necessary.

48 PUBLIC QUESTION TIME (00-05-47)

The Chairman read a statement and questions on behalf of Mr Quinn:

My questions concern Agenda Item 9 (Possible Teckal Company) and Items 16/17 (Exclusion of the Public and Contract Dispute Settlement).

For item 9 – The possibility of a Teckal Company has been under consideration for a long time. Since January 2020, there have been two All-Member briefings from

Solicitors, an update report to Homes PDG and even a report to Cabinet that included the possible use of a Teckal Company to build properties at Post Hill.

But paragraph 3.1, of this report, shows that basic fundamental questions have still not been addressed: “What are we trying to achieve, are there other means?” and “How it could be used in conjunction with prevailing Housing Revenue Account legislation?”. Surely, these questions should have been covered already.

Homes PDG is said to be looking at the need for a Teckal vehicle to “help facilitate a step change in the delivery of social housing”. But, you do not need to create a new Teckal Company to build more Social Housing. Other companies are more than happy to tender for the work – including 3 Rivers (who have already built a Council housing development at Burlescombe).

Best Value is normally demonstrated and achieved by using the Public Tendering process. If the Council creates a Teckal company and awards contracts directly to it, then any proof of best value will be absent. This could be problematic.

The ‘Financial Implications’ section at the beginning of the report states “clearly” there will be “potential short term costs of setting up such a trading vehicle and longer term financial advantages” - but there is nothing in this report to back up this ‘throwaway’ statement. It is neither clear, nor justified in any way.

My questions are:

How will ‘Best Value’ be proven if the Council uses a Teckal Company?

When will the ‘short term costs’ and ‘longer term financial advantages’ of setting up a Teckal Company be given to Members?

For Items 16/17 – I understand that Members may wish to discuss this contract matter and your own actions, as set out in Appendix 2, without the public present.

However, the contents of Appendix 1 have already been published by the Liquidator and put into the public domain. You should not classify this public document as confidential and this Appendix should not be included in the Section 12A exemption.

My question is:

Please will Scrutiny Committee exclude Appendix 1 from the exemption motion?

The Chairman indicated that answers to the questions would be provided when the items were discussed.

49 **MINUTES OF THE PREVIOUS MEETING (00-09)**

The minutes of the previous meeting were approved as a correct record and **SIGNED** by the Chairman.

50 **DECISIONS OF THE CABINET (00-1025)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 31 August 2021 had been called in.

51 CHAIRMAN'S ANNOUNCEMENTS (00-10-30)

The Chairman had no announcements to make.

52 CABINET MEMBER FOR CONTINUOUS IMPROVEMENT (00-10-43)

The Cabinet Member for Continuous Improvement was invited to address the committee:

She informed the meeting that her role was to:

- Drive business and process improvement in services across the entire span of Council activity.
- Ensure that the responsiveness and agility demonstrated by the Council throughout the pandemic was harnessed to deliver better outcomes for residents as the Council transitioned to the new normal.
- Ensure that Members and Officers were engaged in the process and understood the outcomes she was trying to achieve; she had met with Directors and Officers to understand the deadlines and performance indicators across the Council's activity.
- She had been focussing on cases and issues that had gone past their deadline. To date she had closed 40 cases and was currently working on a further 24 cases
- The cases ranged from outstanding planning applications, planning enforcement issues, issues with waste, parking, environmental health, empty properties, waste, property services and many others.
- Member engagement in this role was vital and she thanked Members who had sent her outstanding cases.
- She would be grateful if Members could continue to pass her cases and to engage her in the issues they were hearing about from their residents. She was also grateful to the Officers who have been so helpful and worked hard to resolve these cases.

Consideration was given to the important work that was taking place within the Cabinet Member's portfolio, the volume of cases and that some of the issues raised were historic and had been unresolved prior to the pandemic. The number of cases dealt with in July and August and Members also considered whether the pandemic had caused some of the backlog with officers being away from the office.

The Cabinet Member was thanked for her time.

53 INFORMATION WITH REGARD TO THE POSSIBLE CREATION OF A TECKAL COMPLIANT COMPANY (00-26-00)

The Committee had before it a * report containing information with regard to the possible creation of a Teckal compliant company prior to it being considered by Homes Policy Development Group on 14th September 2021.

The Deputy Chief Executive (S151) provided a response to the question raised in public question time stating that there had been a delay since the subject of a Teckal Company had been raised 2 years ago. He had therefore highlighted the original principles within his report. He referred to a report that was presented to the Homes

Policy Development Group in July and the Member Briefing that had taken place at the beginning of September which had been well received. With regard to the outcomes, value for money was a consideration, the committee would consider the report today and make their views known (verbally via the Chairman) to the Homes Policy Development Group that was meeting the next day; a report would then be presented to the Cabinet who would consider the legal and financial information and then a recommendation would be made to Council.

The officer then outlined the contents of the report, highlighting the presentation attached to the agenda pack, which considered the legal framework for delivering houses through companies. He stated that the Council needed to be clear with regard to how it wanted a Teckal Company to work and requested that Members provide a steer to the direction of travel for such a company.

Consideration was given to:

- Whether the aims of 3 Rivers Development Limited should be reviewed and rather than the aim to make money for the Council could it be set up to provide social housing
- Why were the Council considering the setting up of a Teckal Company and what were the implications
- The aspirations of 3 Rivers and the plans for its future
- Did 3 Rivers have a role for the Teckal Company and had the Cabinet and 3 Rivers considered this?
- The issue of Right to Buy and had the impact on the HRA been considered
- The financial options had not been considered, there were affordability issues and implications from borrowing from the PWLB
- The benefits of a Teckal Company for MDDC and what would be the desired outcomes to include any drawbacks
- How would a Teckal Company work – how would it impact on the HRA, Right to Buy and 3 Rivers. Would a Teckal Company dodge the Right to Buy – there was a need to see some modelling on all of these issues
- Whether a Teckal Company would take over from the HRA with regard to replacement houses and would such a set up control the Right to Buy
- The need to explore the issues with other councils utilising a Teckal Company and receive further information with regard to this

It was agreed that the views of the committee, as set out above would be put before the Homes Policy Development Group the following day.

Note: *Report previously circulated copy attached to minutes.

54 RECOMMENDATIONS FROM PLANNING ENFORCEMENT WORKING GROUP (00-51-48)

The Committee had before it a *report of the Planning Enforcement Working Group, considering the operation and utilisation of enforcement powers and planning conditions and aimed to identify issues to inform service improvement.

The Chairman outlined the contents of the report thanking members and officers for their input into the final report and explaining that although the report did not detail individual cases, all the comments could be backed up with detailed evidence. The

Chief Executive and senior officers had been kept fully informed of the work that was taking place and some of the suggestions raised had already been implemented.

Consideration was given to:

- Recommendation 6 – a sub group of the Planning Committee be established to monitor issues within planning enforcement – concern was raised as to whether there would be a conflict of interest for members of the Planning Committee and whether the Planning Policy Advisory Group or the Development Delivery Advisory Group would be a better route for this work or whether this was a management role. Members views differed with regard to this as it was felt that the Planning Committee agreed conditions for applications and therefore it should be that committee that monitored enforcement cases
- Whether any of the recommendations had been costed, members were referred to recommendation 12
- The views of the Corporate Manager who informed the meeting the some of the recommendations had already been considered – a Tree Officer was now in post (Rec 9), officers had been provided with tablets (Rec 4), new officers/contractors had been recruited and adverts had been placed for a new officer (Rec 1) and that he was already considering a revised Local Enforcement Plan (Rec 8)
- Recommendation 5 was also being considered by officers
- Members role in monitoring performance and ensuring the activities of officers were monitored

As some concerns had been raised with regard to Recommendation 6, the Chairman indicated that he would deal with this initially, therefore:

The Chairman **MOVED** that Recommendation 6 be included in the list of recommendations to be put before the Cabinet; upon a vote being taken, this was approved.

It was therefore:

Recommended to the Cabinet that the following recommendations be considered and actioned:

1. That the Council recruit further resource for planning enforcement so the team includes either: a Principal Planning Enforcement Officer, two Planning Enforcement Officers and trained dedicated admin support; or a Principal Planning Enforcement Officer and three Planning Enforcement Officers.
2. That the Council establish a dedicated Solicitor with planning experience to act as a direct point of reference for the Planning Department, this could potentially be a shared service with another Local Authority.

3. That the Planning Department establish a process to enable proactive monitoring of planning conditions. That a proposal for how this will be achieved is brought to the Scrutiny Committee by the Chief Executive within a month of adoption of recommendation by Council.
4. That Enforcement Officers are provided with tablets with mobile telephone connection, linked to MDDC systems, to assist on site visits so that information can be retrieved on site and allow immediate contact and consultation with management if required.
5. That internal procedures be put in place so that discretionary powers be delegated down to appropriate levels to allow enforcement officers to make relevant decisions on site.
6. That a Subgroup of the Planning Committee be established to monitor issues within Planning Enforcement. This standing Enforcement Advisory or Working Group would review performance, deadlines and outstanding cases, and report back to the Planning Committee.
7. That the free planning advice line and/or the contact telephone number be reinstated with immediate effect (as outlined by the Customer Service Working Group).
8. That the Local Enforcement Plan be rewritten to consider the views and recommendations of this report and to take into account more enhanced versions from other Local Authorities, notably the East Devon model. That the new Enforcement Plan be submitted to the Scrutiny Committee for consideration prior to submission for adoption by Planning Committee.
9. That a Tree Officer is recruited as a matter of urgency, this could potentially be a shared service with another Local Authority.
10. That the Chief Executive bring forward a proposal for making information on enforcement action more publicly available.
11. That the Development Management Manager establish a process for case management to ensure cases are monitored and followed up, so that cases are not lost within or between Departments.
12. That an implementation plan is drawn up to cost the recommendations made in this report, and passed to Cabinet for consideration.

(Proposed by the Chairman)

Notes:

- i) Cllr Mrs F J Colthorpe requested that her vote against the inclusion of Recommendation 6 be recorded;

- ii) Cllr Mrs F J Colthorpe requested that her abstention from voting with regard to the recommendations to the Cabinet be recorded;
- iii) *Report previously circulated, copy attached to minutes.

55 **PERFORMANCE AND RISK (1-26-10)**

The Committee had before it and **NOTED** a * report of the Operations Manager for Performance, Governance and Health & Safety providing an update on performance against the Corporate Plan and local service targets for 2021-2022 as well as providing an update on the key business risks.

The officer outlined the contents of the report stating that this provided results to the end of July 2021

Consideration was given to:

- The lack of information with regard to 'Net additional homes provided' and 'New Social Rent Council Houses' – it was suggested that these figures be provided quarterly rather than annually.
- National and regional promotions – this target had been increased and would be reported on an annual basis, as the promotions did not lend themselves to monthly monitoring
- Council owned property occupancy rates at Westex, Tiverton
- The whereabouts of the Crediton Town Centre Masterplan
- Council Tax collection rates
- The submission to the MHCLG of a detailed programme for delivering additional social rented homes and that it would be helpful for members to see the bid
- The mitigating actions in place with regard to the Economic Strategy

Note: *Report previously circulated, copy attached to minutes.

56 **BRIEFING PAPER - RETURN OF RIGHT TO BUY RECEIPTS (RTB) (1-48-14)**

The Committee had before it and **NOTED** a *briefing paper provided by the Deputy Chief Executive (S151) referring to the return of Right to Buy Receipts.

The Chairman stated that this briefing paper had been brought before the committee at his request so that members had all of the information that was available with regard to this issue.

The Deputy Chief Executive informed the meeting that there had been numerous queries with regard to the return of the Right to Buy receipts and that at that time there were no plans in place to deliver social housing units and that any receipt for RTB had to (at that time) be spent within 3 years with interest payable. As the Council had no plans to build social housing because of the risk of Right to Buy, the money was returned.

Consideration was given to:

- The now slightly relaxed rules, with 5 years to spend the monies and that further lobbying was taking place to relax the Right to Buy rules
- How the decision was made and whether members should have been informed with regard to the mechanism.

Note: *Briefing paper previously circulated, copy attached to minutes.

57 **FORWARD PLAN (1-59-17)**

The Committee had before it and **NOTED**, the contents of the *Forward Plan.

Queries were raised with regard to:

- The lack of Climate Change policies within the Forward Plan
- Plans and Options for Junction 27 had not been recorded
- Dates for consideration of the Cullompton Garden Village Masterplan
- Dates for consideration of the Cullompton Regeneration Masterplan.

It was agreed that information would be sought and forwarded to members of the committee.

Note: *Plan previously circulated, copy attached to minutes.

58 **SCRUTINY OFFICER UPDATE (2-08-28)**

The Scrutiny Officer informed the meeting that:

- The Spotlight Review on Motion 564 would take place at 10am on Thursday 28 October. A plan and suggested agenda would be sent out shortly to those Members who had volunteered.
- The Programming Panel would take place on Monday 20 September, chaired by the Chairman of Scrutiny Committee.
- The Chairman had written to Connecting Devon and Somerset to requesting attendance at a future meeting to discuss broadband in the District.
- Training for the Scrutiny Committee was been confirmed for Monday 4th October at 2pm – the officer requested that every effort be made to attend as this would be externally facilitated by the CFGS.

It was also requested that an update on the S106 Improvement Project be provided.

59 **WORK PLAN (2-12-18)**

The Committee had before it, and **NOTED** the *Scrutiny Committee work plan for 2021-2022.

The Chairman advised that Bio Energy was not on the work plan but a paper would be brought to the Committee in October.

Consideration was given to the 3 Rivers Development Limited process map for bringing items for scrutiny. The Chairman indicated that he had signed the process map off but understood that the committee may wish to consider it further.

Consideration was given to whether the Scrutiny Committee should just focus on the 3 Rivers Business Plan or should the committee consider the 3 Rivers accounts, therefore considering both organisational and financial risk.

It was **AGREED** that the following wording be altered to read – last bullet point: ‘Audit Committee will continue its regular review of risk and financial performance regarding 3RDL’.

60 **ACCESS TO INFORMATION EXCLUSION OF PRESS AND PUBLIC**

The Monitoring Officer provided a response to the question raised in Public Question Time stating that this matter involved a legal agreement and therefore the decision and any documents remained confidential.

Consideration was given to:

- The fact that part of the documentation was already in the public domain and available on the Companies House website and should therefore not be embargoed.
- The fact that a confidential settlement contract was in place
- If consideration of the item was discussed in public then paragraph 11.3 ‘Exclusion of Access to the public to meetings’ (within the Constitution) applied.
- Whether further legal explanation was required.

It was therefore **AGREED** that the next item of business be deferred to allow for further legal advice to be obtained.

61 **CONTRACT DISPUTE SETTLEMENT 2020-2021**

This item was deferred until the next meeting, see minute 60.

(The meeting ended at 4.50 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 11 October 2021 at 2.15 pm

Present

Councillors

B G J Warren (Chairman)
Mrs F J Colthorpe, L J Cruwys,
Mrs S Griggs, S Pugh, R F Radford,
Mrs E J Lloyd, A Wilce and B Holdman

Apologies

Councillor(s)

G Barnell, E J Berry, P J Heal and F W Letch

Also Present

Councillor(s)

Mrs C P Daw, R M Deed, B A Moore and Mrs N Woollatt

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Business Improvement and Operations), Karen Trickey (District Solicitor and Monitoring Officer), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), Clare Robathan (Policy and Research Officer) and Carole Oliphant (Member Services Officer)

62 **APOLOGIES AND SUBSTITUTE MEMBERS (0.03.58)**

Apologies were received from Cllrs G Barnell, E J Berry, P J Heal and F W Letch who was substituted by Cllr B Holdman

63 **HYBRID MEETINGS PROTOCOL (0.04.32)**

The Committee had before it, and **NOTED**, the *Hybrid Meetings Protocol.

Note: *Protocol previously circulated and attached to the minutes.

64 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.04.40)**

Members were reminded of the need to make declarations where appropriate.

65 **PUBLIC QUESTION TIME (0.04.55)**

There were no questions from members of the public present.

66 **MINUTES OF THE PREVIOUS MEETING (0.05.15)**

The minutes of the last meeting were approved as a correct record and **SIGNED** by the Chairman.

67 DECISIONS OF THE CABINET (0.06.44)

The Committee **NOTED** that none of the decisions made by the Cabinet on 28th September had been called in.

68 CHAIRMAN'S ANNOUNCEMENTS (0.06.54)

The Chairman welcomed the new Monitoring Officer, Karen Trickey and thanked Members who had attended the recent Scrutiny Training.

The Chairman deferred item 13 until the November meeting.

69 CABINET MEMBER FOR FINANCE (0.09.06)

The Committee had before it, and **NOTED**, a *report from the Cabinet Member for Finance outlining area's within his portfolio.

The Cabinet Member explained that the previous 6 months had been a busy period for the Finance teams and that they had recently completed the annual closedown of accounts. Early indications were that the Audit was a sound report. He acknowledged the work of the teams in distributing the Governments Covid grant related schemes.

He explained that all Members were vital to contribute to the Council's budget setting process as they were currently looking at a £1m shortfall and may require reductions to make ends meet.

The Deputy Chief Executive (S151) explained that there were challenges over the late advice from Government on what level of funding the Authority would receive.

Consideration was given to:

- The measurable plans to increase revenue and decrease overheads
- The Leisure services actively looking at ways to stimulate growth
- The Waste service continued to exceed revenue expected
- The building rationalisation programme
- Healthy revenue stream from Market Walk, Tiverton which was now at 100% occupancy
- Car parking machine breakdowns were reported remotely and were repaired on a timely basis, ensuring any loss of revenue was mitigated
- Participatory budgeting where communities could build into the budget setting process to be investigated
- Labour shortages and the need to use agency staff on occasions
- The Housing Strategy was ambitious and some significant borrowing would need to be sourced along with contributions from Homes England
- The Medium Term Plan would be presented to the Cabinet which would set out the Council's ambitions over the next 5 years and the Policy Development Groups would be tasked to prioritise them
- The 3 Rivers Development bi monthly update would be reported at the next Cabinet

Note: *Report previously circulated and attached to the minutes

70 UPDATE ON CUSTOMER EXPERIENCE WORKING GROUP RECOMMENDATIONS (0.45.58)

The Committee had before it, and **NOTED**, a *report from the Corporate Manager for Digital Transformation and Customer Engagement on progress against the Customer Experience Working Group recommendations.

The Corporate Manager for Digital Transformation and Customer Engagement gave an overview of the original recommendations and an update on the actions taken.

She explained that a recent customer survey was very positive and although the CRM had not progressed due to significant resourcing issues in the IT service, that a Project Manager was being recruited to enable the project to progress and develop a business plan.

Consideration was given to:

- A Member workshop held in March focused on customer service and Members would be surveyed on what additional workshops would be useful to them
- The Planning Service had reinstated the telephone line for customer queries
- Call waiting times had not improved due to ongoing staff vacancies and staff being redeployed to assist with the payment of Government Covid Grants during the pandemic but there were no high levels of abandoned calls

Note: *Report previously circulated and attached to the minutes

71 ANNUAL REPORT OF COMPLAINTS AND COMPLIMENTS (0.58.43)

The Committee had before it, and **NOTED**, a *report from the Corporate Manager for Digital Transformation and Customer Engagement on Complaints and Compliments.

The Corporate Manager for Digital Transformation and Customer Engagement explained that the number of complaints were now at pre pandemic levels and had not risen significantly since then.

In response to a question asked about the correct level of officers looking at complaints she explained that the Complaints Policy was coming to the Cabinet in November which would detail the level of senior officer involvement.

Note: *Report previously circulated and attached to the minutes

72 FORWARD PLAN (01.08.23)

The Committee had before it, and **NOTED**, the *Forward Plan.

Note: *Forward Plan previously circulated and attached to the minutes

73 SCRUTINY OFFICER UPDATE (1.10.28)

The Scrutiny Officer provided the following update:

- An update on the S106 project would be provided shortly
- The recommendations of the Planning Enforcement Working Group would be going to a future Cabinet
- The spotlight review was being held on 28th October and more Member input was required
- Connecting Devon and Somerset would be attending the November meeting

74 BIO ENERGY INDUSTRY PROPOSAL FORM (1.12.31)

Item deferred until November meeting.

75 WORK PLAN (1.12.37)

The Committee had before it, and **NOTED**, the *Scrutiny Work Plan.

It was **RESOLVED** that:

Scheduled Cabinet Member reports were no longer required and would be removed from the Work Plan.

(Proposed by Cllr A Wilce and seconded by Cllr L J Cruwys)

Note: *Work Plan previously circulated and attached to the minutes.

76 ACCESS TO INFORMATION - EXCLUSION OF PRESS AND PUBLIC (1.30.42)

The Chairman indicated that discussion of the following item, may require the Scrutiny Committee to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Scrutiny Committee would need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

(Proposed by the Chairman)

77 CONTRACT DISPUTE SETTLEMENT 2020-2021 (1.34.24)

The Scrutiny Committee considered the information provided and were satisfied that the matter had been correctly dealt with at the time.

(Proposed by Chairman)

(The meeting ended at 4.17 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **AUDIT COMMITTEE** held on 21 September 2021 at 5.30 pm

Present

Councillors

W Burke, Mrs C Collis, N V Davey,
R F Radford and A Wyer

Apologies

Councillors

S J Penny and A White

Also Present

Councillors

R Evans, B A Moore and B G J Warren and A Wilce

Also Present

Officers

Andrew Jarrett (Deputy Chief Executive (S151)), Paul Deal (Corporate Manager for Finance), Catherine Yandle (Operations Manager for Performance, Governance and Health & Safety), Paul Middlemass (Audit Manager), Clare Robathan (Policy and Research Officer) and Sarah Lees (Member Services Officer)

Also

In attendance

Grace Hawkins and Julie Masci (Grant Thornton)

22. ELECTION OF CHAIRMAN

The Chairman and Vice Chairman of the Audit Committee had sent their apologies for the meeting therefore there was a need to elect a Chairman from the floor for the purposes of this one meeting.

It was **RESOLVED** that Cllr A Wyer be elected Chairman for this meeting only.

23. APOLOGIES

Apologies were received from Cllr S J Penny who was substituted by Cllr R F Radford. Apologies were also received from Cllr A White.

24. PROTOCOL FOR HYBRID MEETINGS

The protocol for hybrid meetings was noted.

25. PUBLIC QUESTION TIME

There were no members of the public present and no questions had been received in advance of the meeting.

26. DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

There were no interests declared under this item.

27. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 27 July 2021 were confirmed as a true record and signed by the Chairman.

28. CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make.

29. PERFORMANCE AND RISK (00:05:00)

The Committee had before it, and **NOTED**, a report * from the Operations Manager for Performance, Governance and Health & Safety providing Members with an update on performance against the Corporate Plan and local service targets for 2021-2022 as well as providing an update on the key business risks.

Note: * Report previously circulated; copy attached to the signed minutes.

30. ANNUAL GOVERNANCE STATEMENT (00:10:00)

The Committee had before it a report * from the Operations Manager for Performance, Governance and Health & Safety presenting the Committee with the finalised Annual Governance Statement and Action Plan and accompanying Corporate Governance Framework for 2020/21.

The following was highlighted within the report:

- It was a statutory requirement for this document to be presented to and approved by the Audit Committee.
- Comments made by both internal and external audit had been incorporated within the Statement.
- The areas where improvements were required were highlighted within the action plan.
- Two items had been brought forward from last year's action plan which were not yet complete, items 3, 4, 5 and 6 were all new actions.
- Reference needed to be made within the Statement to the recent internal audit on Governance and the work conducted in relation to the CIPFA Principle Code 2.

RESOLVED that the Annual Governance Statement for 2020/21 be approved and that the Leader of the Council and the Chief Executive sign the Statement as per the statutory guidance following the approval of the annual accounts by the Audit Committee.

(Proposed by the Chairman)

Reason for the decision:

Having good governance arrangements and an effective internal control environment is a fundamental element of being a well-managed council. Failure to produce an

Annual Governance Statement would result in the Council breaching the Accounts and Audit Regulations 2015.

Note: * Report previously circulated; copy attached to the signed minutes.

31. **PSAA CONSULTATION - BRIEFING NOTE (00:16:00)**

The Committee had before it, and **NOTED**, a briefing paper * regarding the Public Sector Audit Appointments Ltd (PSAA) Consultation.

The Corporate Manager for Finance outlined the contents of the report and highlighted the following:

- The paper set out the background as to how external auditors had been procured between 2018/19 to 2022/23. The initial procurement on behalf of more than 480 bodies had been very successful allowing PSAA to enter into long term contracts during that period with five experienced and respected firms.
- In autumn 2021 all local government bodies would need to make decisions about their future external audit arrangements. Issues such as fees, the scope of each audit and the size of the pool the PSAA could choose from would need to be considered.
- A paper setting out further details would be presented to the next meeting.

Note: * Briefing paper previously circulated; copy attached to the signed minutes.

32. **REDMOND REVIEW OF LOCAL AUTHORITY FINANCIAL REPORTING AND AUDIT OVERVIEW (00:20:00)**

The Committee had before it, and **NOTED**, a briefing paper * regarding the Redmond Review of Local Authority Financial Reporting and Audit Overview.

The Corporate Manager for Finance outlined the contents of the report and highlighted the following:

- The background to the review by Sir Tony Redmond and why it had been undertaken.
- One of the key issues identified with local audit was an ineffective balance between price and quality with 40% of audits nationally in 2018/19 failing to meet required deadlines.
- In May 2021 it was announced by the Government that a new standalone unit would be established within the proposed new regulator, Audit, Reporting and Governance Authority (ARGA) which would replace the Financial Reporting Council (FRC). It would have overarching responsibility to make sure the local audit framework operates in a coherent and joined up manner.

The comment was made that the public do not always have the same technical knowledge as the financial professionals and that this should be remembered when presenting financial information to both members of the public and elected Members.

Note: * Briefing paper previously circulated; copy attached to the signed minutes.

33. **INTERNAL AUDIT PROGRESS REPORT 2021-22 (00:23:00)**

The Committee had before it, and **NOTED**, a report * from the Devon Audit Partnership presenting a progress report on the internal audit function during the 2021/22 year so far.

4 internal audits were summarised with the report:

- **Cyber Security – Malware and Ransomware Phase 1** – this had been given a ‘Reasonable Assurance’ opinion. It was recognised that this was a high priority area with many of the required controls in place, however, 6 high priority recommendations would need to be taken forward quite quickly. The second phase of the audit would look at response and recovery.
- **Stores** – it had been recognised that it had been useful for the Council to have a Stores department during the period of the pandemic. The audit had identified some opportunities to improve the procurement process.
- **Governance** – it was acknowledged that there was a lot of information on the website and opportunities for members of the public to keep abreast of what was happening within the meeting structure of the Council. However, there was an opportunity to provide an annual report to list in summary what the Council was and had been doing, including all the good news stories presented in one place. The Governance Working Group had undertaken a great deal of work but this was still a ‘work in progress’.
- **Care Services – Alarm Management** – This was a high risk area in terms of Customer safety and Council reputation. The service had been significantly impacted by Covid.

Discussion took place with regard to the number of overdue audit recommendations. This figure was deemed to be too high and needed to be reduced as a matter of urgency. The Deputy Chief Executive (S151) stated that he would take responsibility for chasing these with the necessary officers and he was confident an improved position would be reported to the next meeting in November.

Note: * Report previously circulated; copy attached to the signed minutes.

34. **GRANT THORNTON - DRAFT AUDIT FINDINGS REPORT (00:36:00)**

The Committee had before it, and **NOTED**, a report* from Grant Thornton setting out their draft audit findings for 2020/21.

The following was highlighted within the report:

- They had not yet completed their Value For Money work and so were not in a position to issue their final audit findings report. They expected to be able to do this by 31 December 2021.
- They had substantially completed their audit of the Council’s financial statements and subject to resolving some outstanding queries, anticipated issuing an unqualified audit opinion imminently. These queries related to the following areas:
 - Receipt and review of the Pension Fund Auditor Assurance letter
 - Receipt and review of evidence from the External Valuer in relation to the valuation of Land, Buildings and Council Dwellings

- Receipt and review of grant evidence
- Receipt and review of group sample evidence
- Receipt and review of proposed adjustments in relation to pension charges
- Receipt of management representation letter
- Review of the final set of financial statements

Discussion took place regarding:

- The final certification form from the Pensions Actuary and the format of this.
- The 'additional fees' mentioned within the report. It was explained that these were determined by the PSAA and that since 2018 the regulatory burden upon external auditors had increased substantially as had the complexity of the work they were required to undertake.
- The new Value For Money approach required broader, more in depth work and there were new auditing standards for estimates.

Note: * Report previously circulated; copy attached to the signed minutes.

35. **AUDIT COMMITTEE SIZE (00:53:00)**

The Committee discussed whether there was a need to increase the membership size of the Audit Committee:

The following points were raised during discussion:

- This was an important Committee having significant responsibility for looking at assurance and all manner of risks within the authority.
- The Committee had a significant workload much of which was legally required to be completed on an annual basis.
- It was the smallest committee in terms of size yet had significant responsibility. The size of the Policy Development Groups and Scrutiny Committee were noted.
- The Audit Committee was technical in nature and training needed to be undertaken before a Member could sit on it.

RECOMMENDED to the Standards Committee that it consider increasing the Audit Committee size from a membership of 7 to a membership of 9.

(Proposed by Cllr N V Davey and seconded by Cllr R F Radford)

Reason for the decision:

For the reasons listed above as well as provided a wider pool of Members' knowledge and experience from which to draw.

36. **DAP REPRESENTATION (01:00:00)**

The Committee discussed the need to elect a second representative from within its membership to attend DAP board meetings alongside the Chairman on a twice yearly basis.

It was **AGREED** that Cllr A Wyer be the second Audit Committee representative to attend DAP Board meetings.

37. IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:02:00)

In addition to the items listed in the work programme the following was requested to be added to the agenda for the next meeting:

- PSAA external audit arrangements

(The meeting ended at 6.35 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ENVIRONMENT POLICY DEVELOPMENT GROUP**
held on 7 September 2021 at 5.30 pm

Present

Councillors

J Wright (Chairman)
E J Berry, R F Radford, R L Stanley,
L D Taylor and B G J Warren

Apologies

Councillor(s)

Miss J Norton

Also Present

Councillor(s)

D R Coren, Mrs C P Daw, R M Deed, R Evans, C R Slade
and Mrs E J Lloyd

Also Present

Officer(s):

Andrew Jarrett (Deputy Chief Executive (S151)), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Matthew Page (Corporate Manager for People, Governance and Waste), Darren Beer (Operations Manager for Street Scene), Clare Robathan (Policy and Research Officer) and Carole Oliphant (Member Services Officer)

17 APOLOGIES AND SUBSTITUTE MEMBERS (0.03.07)

Apologies were received from Cllr J Norton and Cllr D Coren attended via ZOOM.

18 HYBRID MEETINGS PROTOCOL (0.03.27)

The Group had before it, and **NOTED**, the *Hybrid Meetings Protocol.

Note: *Protocol previously circulated and attached to the minutes

19 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.03.35)

Members were reminded of the need to make declarations where appropriate.

20 PUBLIC QUESTION TIME (0.03.56)

There were no questions from members of the public present

21 MINUTES OF THE PREVIOUS MEETING (0.04.09)

The minutes of the meeting held on 13th July 2021 were agreed as a true record and were duly **SIGNED** by the Chairman

22 CHAIRMAN'S ANNOUNCEMENTS (0.04.49)

The Chairman had no announcements to make.

23 CABINET MEMBER FOR THE ENVIRONMENT AND CLIMATE CHANGE (0.04.59)

The Cabinet Member for the Environment and Climate Change explained that the waste and recycling strategy supported the Council's commitment to the environment and that the 3 week bin trial would last until mid-October.

He explained that the MDDC Litter Strategy before Members today aimed to change attitudes and practices of the public and the key aspects included:

- An awareness Campaign
- Education
- Infrastructure
- Effective Enforcement

He confirmed that the workforce was facing pressure on the front line services due to vacancies, especially HGV drivers and he wanted to thank the workforce for maintaining collections.

In response to questions asked the Operations Manager for Street Scene confirmed that due to the success of WEEE collections the introduction of collections for pot and pans had been delayed but it was still the intention to offer this service in the future.

The Cabinet Member confirmed that the 3 week bin trial was going well and that where there were issues with compliance they were offering customers 1 to 1 education to encourage greater recycling.

Members raised concerns with:

- The shortage of HGV drivers and whether agency drivers were the solution
- The unacceptable wait for bulky waste collections in some areas of the district

The Cabinet Member assured Members that officers would look into their concerns

24 CLIMATE AND SUSTAINABILITY UPDATE (0.24.04)

The Group had before it, and **NOTED**, a *report of the Corporate Manager Property, Leisure and Climate change giving an update on the Climate Change Action Plan.

The officer outlined the contents of the report and summarised the actions and progress in achieving the Council's Corporate Plan aims and Climate Strategy priorities.

In response to questions asked about the damage done by Anaerobic Digesters versus the benefits and the officer explained that the Council had fed their thoughts into the Devon Climate Change Plan via the citizens assemblies.

With regard to sustainable farming practices the Corporate Manager for Property, Leisure and Climate Change explained that the new Climate website would signpost farmers to experts who could help them achieve their goals.

Consideration was given to:

- The focus of the work of the Scrutiny Committee with regard to Anaerobic Digesters and the bio energy industry and where environmental concerns fitted into this
- The Devon Carbon Plan had introduced a blog which people could contribute to
- Retro fitting of older stone properties would concentrate on the reduction of carbon as far as reasonably practical
- LED lighting on the sports pitches would be replaced when funding was available
- There had been very positive feedback from the public on the ZED Pods and they had on the whole been very supportive
- If the electricity supply network would be able to support the changes required, such as increased electric car charging, to reach the Council's Net Zero targets
- The current limited amount of suppliers of modular housing who were accredited to tender for Local Authority contracts
- Additional electric car charging point had been approved in the 3 main towns
- The need for the Council to look at progressive procurement to ensure that suppliers were local and used sustainable processes

Note: *Report previously circulated and attached to the minutes

25 **DEVON AND TORBAY WASTE STRATEGY MANAGEMENT PLAN (1.09.26)**

The Group had before it a *report of the Operations Manager for Street Scene which summarized the consultation response to the draft Resource and Waste Management Strategy for Devon and Torbay.

The officer outlined the contents of the report which contained the consultation response and a proposal to reduce the waste prevention target.

The Cabinet Member for the Environment and Climate Change explained that the strategy was to align the disposal processes for waste but the individual authorities were still free to be flexible in setting their own collection policies and targets.

It was therefore **RECOMMENDED** to the Cabinet that:

- a) That the proposed amendment to reduce the waste prevention target to 400kg/head/year by 2030 be approved and;
- b) The final Strategy be approved

(Proposed by the Chairman)

Reason for the decision: The Authority has a duty to arrange collection for household waste

Note: *Report previously circulated and attached to the minutes

26 **DRAFT MDDC LITTER STRATEGY (1.19.34)**

The Group had before it a *report of the Operations Manager for Street Scene which presented the MDDC Litter Strategy.

The officer explained that the strategy concentrated on the impacts of littering and education of the public, and looked to work with local charities and stakeholders. It looked at the infrastructure, of where bins were located and focused on the areas with frequent littering. The strategy concentrated on problems area's with effective enforcement and a softer approach via education.

Consideration was given to Members views which included:

- The cost charged to Parish Councils for the collection of waste from additional litter bins was not viable for the Parishes
- That Fixed Penalty Notices fines were not high enough and were not a deterrent
- That education of the public was not enough and that surveillance camera's should be utilized to catch and fine people who litter
- That there was a perception from some Members that senior officers did not want to make difficult decisions with regard to enforcement
- Who was going to do the education of the public?
- The Strategy did not deal with the litter on the roads into the District
- Some Members supported the education and prevention approach, especially with the younger generation, rather than an enforcement approach

The Deputy Chief Executive (S151) explained that Members had before them the overarching strategy for litter but what he was hearing was that Members wanted to be involved in creating more detail around the operational processes and detailed guidance.

It was therefore **AGREED** that the MDDC Draft Litter Strategy be deferred to enable a Working Group to be formed where Members and officers could agree a final Strategy which could be recommended to the Cabinet.

(Proposed by the Chairman)

Reason for the decision: No decision was made

Note: *Report previously circulated and attached to the minutes

27 **WORK PLAN (1.56.59)**

The Group had before it, and **NOTED**, the Environment PDG *Work Plan.

The Chairman proposed that the following items be tasked to the Net Zero Advisory Group for further investigation and possible recommendations that the PDG could recommend to the Cabinet:

- Sustainable Procurement

- Planning Heritage Policy

The Chairman proposed the following items be added to the Work Plan for further investigation:

- Recycling – defined plans to introduce recycling of pots and pans and reduce the wait time for bulky waste
- Sustainable Farming Practices
- Western Power Distribution capacity for increased renewal energy

In addition to the above the Chairman would investigate the work proposed by the Scrutiny Committee on Anaerobic Digesters to see if additional work looking at the effect on the environment would be required.

Note: *Work Plan previously circulated and attached to the minutes

(The meeting ended at 7.33 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 14 September 2021 at 2.15 pm

Present

Councillors

R J Dolley (Chairman)
J Bartlett, S J Clist, D R Coren, C J Eginton,
S Pugh, R F Radford and G Barnell

Apology

Councillor

J Cairney

Also Present

Councillors

R Evans, B G J Warren and A Wilce

Also Present

Officers

Andrew Jarrett (Deputy Chief Executive (S151)), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Claire Fry (Housing Services Operations Manager), Tristan Peat (Forward Planning Team Leader), Siann Sandy (Housing Options Officer), Sally Gabriel (Member Services Manager) and Sarah Lees (Member Services Officer)

20 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr J Cairney who was substituted by Cllr G Barnell.

21 PROTOCOL FOR HYBRID MEETINGS

The protocol for hybrid meetings was noted.

22 PUBLIC QUESTION TIME

No members of the public were present or had registered to ask a question within the specified timescales.

23 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT

No interests were declared under this item.

24 MINUTES

The minutes of the meeting held on 20 July 2021 were approved as a correct record of the meeting and signed by the Chairman.

25 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make.

26 TECKAL CONSIDERATION (00:06:00)

The Group had before it a report * from the Deputy Chief Executive (S151) considering the need for a Teckal vehicle in order to help facilitate a step change in the delivery of social housing.

The officer outlined the contents of the report, highlighting the presentation attached to the agenda pack, which considered the legal framework for delivering houses through companies. He stated that the Council needed to be clear with regard to how it wanted a Teckal Company to work and requested that Members provide a steer to the direction of travel for such a company.

The report had been considered by the Scrutiny Committee the previous day and the Chairman of the Scrutiny Committee had been invited to the meeting today to outline the thoughts of his Committee. These included the following:

- Whether the aims of 3 Rivers Development Limited should be reviewed and rather than the aim to make money for the Council could it be set up to provide social housing
- Why were the Council considering the setting up of a Teckal Company and what were the implications
- The aspirations of 3 Rivers and the plans for its future
- Did 3 Rivers have a role for the Teckal Company and had the Cabinet and 3 Rivers considered this?
- The issue of Right to Buy and had the impact on the HRA been considered
- The financial options had not been considered, there were affordability issues and implications from borrowing from the PWLB
- The benefits of a Teckal Company for MDDC and what would be the desired outcomes to include any drawbacks
- How would a Teckal Company work – how would it impact on the HRA, Right to Buy and 3 Rivers. Would a Teckal Company dodge the Right to Buy – there was a need to see some modelling on all of these issues
- Whether a Teckal Company would take over from the HRA with regard to replacement houses and would such a set up control the Right to Buy
- The need to explore the issues with other councils utilising a Teckal Company and receive further information with regard to this.

The Group had listened to the questions raised by the Scrutiny Committee and were fully in support of needing additional information in order to address some of the issues raised.

Following further discussion the Group made the following additional comments:

- The need for a cost / benefit analysis. Whilst it may be possible for a Council to retain 10% of a development profit there may also be substantial overheads incurred in the running of a Teckal company.
- The need for clarity in terms of the aims and aspirations of a Teckal company of which there were many different types.
- Whether there were any benefits to using a Teckal company to outsource some services. It was felt that this was fraught with complications.

- A need to focus on practical possibilities rather than theoretical ones.
- A request to consider various models and additional information regarding Teckal company's set up by other local authorities. What had been the challenges, what had been the successes and why?
- A need for the necessary skill sets and capabilities in order to take a possible Teckal company forwards.
- A need to remember that the ultimate aim was to create more affordable social housing.

RECOMMENDED to the Cabinet that the questions raised by the Scrutiny Committee be endorsed and that it consider the following three options having reflected on the legal, financial and organisational implications of each one:

- a) The 3 Rivers Development company 'morphing' into a Teckal company to deliver affordable housing and lettings.
- b) Running a Teckal company as a subsidiary.
- c) The direct delivery of more affordable housing by Mid Devon District Council itself.

(Proposed by Cllr G Barnell and seconded by Cllr R F Radford)

Reason for the decision:

That comments made by the Scrutiny Committee and the Homes Policy Development Group can help to shape any recommendations made by the Cabinet to full Council.

Note: * Report previously circulated; copy attached to the signed minutes.

27 **HOUSING STRATEGY - UPDATE (00:53:00)**

The Group received a verbal update from the Corporate Manager for Public Health, Regulation and Housing on the progress of the draft Housing Strategy document. This was now out for formal consultation with a closing date of the end of September. A dedicated web page had been set up to run alongside this.

Westex Ward members had been approached to seek answers to the following questions with regard to affordable housing:

- a) What was the definition of affordable housing?
- b) Tiverton had long suffered from a disparity between wages and rents, could MDDC promote a private rent freeze or increases at the lower end of wage and RPI inflation?
- c) How was the Housing Strategy planning to tackle the issue of creating more affordable housing?

The following was provided as a response to these questions:

The definition of affordable housing was set out within the draft Housing Strategy and was stated as being homes let at below market rent by a registered provider. The rent was set at up to 80% of local market rent for an equivalent home.

The situation regarding the disparity between wages and rents did not just apply to Tiverton. It was seen up and down the country and in rural areas too where there were particular challenges. There were market forces at play which were beyond the control of MDDC. The district was dependent on its own geography with regard to urban and rural populations and to some extent was better placed than most, for example, coastal areas to meet the needs of its residents. However, it was recognised that demand for affordable accommodation outstripped supply.

Discussion took place regarding:

- How the Council could access Government funds to supply more social housing.
- The need for more ambitious house building targets within the Strategy.
- The seriousness of the housing shortage situation.
- The viability gap affecting rental income.

Following this, a general update was provided by the Forward Planning Team Leader on affordable housing projects. This included the following summary on the numbers of affordable houses delivered on sites in Mid Devon in recent years:

2020 / 2021	30
2019 / 2020	133
2018 / 2019	87
2017 / 2017	115

The Local Plan set out an affordable housing target of 124 per annum based on 30% proportion, subject to viability.

The figure for 2020 / 2021 was significantly lower than previous years and it was thought this may be due the impact of the covid-19 pandemic on the construction of new homes and where developers may have focused on market housing. The Forward Planning Team Leader advised the meeting that the Council had recently appointed Arron Beecham to the new post of Principal Housing Enabler and Policy Officer and a key role will be to improve the delivery of affordable housing in the district.

Discussion took place with regard to:

- An inability to provide to projected affordable housing figures for 2021/2022 since monitoring was ongoing and numbers were dependent upon viability which couldn't be predicted with any certainty.
- There was an important distinction between 'affordable homes', being charged 80% of market rents including those delivered by developers through S106 agreements and 'social housing' as part of the HRA and being part of the Council's housing stock with rents controlled through legislation and typically around 50% of market rent.
- Frustration with developers often gaining planning permission to provide sites with affordable housing and then not bringing these to fruition.

- The need to re-establish regular meetings of the Development Delivery Advisory Group (DDAG).
- The need for effective working with Housing Associations and strategic partners.
- More affordable housing being needed in villages.
- The opportunity for Members to comment on village development within the context of the NPPF when the new Local Plan was brought before them for consideration.
- The current Local Plan policy that requires developments of 20 or more homes to include at least 5% for custom and self-build.

28 VERBAL UPDATE ON POST HILL DEVELOPMENT (01:37:00)

The Group received a verbal update on the Post Hill development from the Corporate Manager for Property, Leisure and Climate Change. This included the following information:

- 70 new Council homes were proposed, 62 at affordable rent and 8 at social rent.
- The Council was following the Royal Institute of British Architects (RIBA) seven stage plan and referring to guidance from the Construction Leadership Council to help construct low carbon homes, from climate change impacts.
- RIBA Stage one had been completed and the Council was now in RIBA Stage two meaning that the concept plan was being progressed. Stage three would take a further 2 – 3 months after which a planning application would be submitted.
- There had already been much engagement with contractors and engineers.
- A detailed project meeting had taken place in the previous week.
- A further update would be provided to the Homes Policy Development Group in early 2022.

Discussion took place regarding:

- There had been some complicating factors delaying the start of this project such as financial constraints, as the site is part of a S106 arrangement that limits the Council being able to secure grants and there were issues of affordability, however the project was now moving forwards.
- As well as carbon considerations, building appearance would be to a high specification.
- Gypsy & Traveller provision had been specified in an adjoining site and was not for discussion in relation to this item.

29 HOUSING SERVICE UPDATE (01:53:00)

The Group had before it a briefing paper * from the Operations Manager for Housing Services providing an update to Members on enforcement and other activities undertaken by officers in the Housing Service.

Key highlights within the report were reported as follows:

- Since the last report there had been a restructure in Housing Services with Housing options passing to Public Health. The report now focussed on activity funded through the HRA as undertaken by the Neighbourhood teams.
- Numbers and availability of staff had been affected by the pandemic with pressures in certain areas.
- Anti-Social Behaviour had escalated during the pandemic and work had had to be undertaken in drawing up acceptable behaviour agreements.
- The courts still had a significant backlog in bringing cases forward.
- There had been a ban on evictions between March 2020 and May 2021.

Discussion took place with regard to:

- 35 Notices Seeking Possession being served.
- Neighbourhood Teams worked closely with tenants to resolve issues especially in relation to potential evictions.
- Rent debt currently stood at 1.43% of total expected income which was lower than this time last year.

The Cabinet Member for Housing and Property Services stated that the Housing Services teams had worked extremely hard during difficult circumstances to support and engage with tenants. Their professionalism had been exemplary and they were to be congratulated. The Group supported this sentiment.

Note: * Briefing paper previously circulated; copy attached to signed minutes.

30 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (02:10:00)

In addition to the items already identified within the work programme for the next meeting, the following was also requested to be on the agenda:

- Update on the Afghanistan relocation scheme/s.
- Review procedures in relation to the allocation of Gypsy and Travellers sites as they relate to the Housing Services area.

(The meeting ended at 4.30 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ECONOMY POLICY DEVELOPMENT GROUP** held on 9 September 2021 at 5.30 pm

Present

Councillors

J M Downes (Chairman)
Mrs C Collis, N V Davey, R J Dolley, Mrs S Griggs,
B Holdman, R F Radford and J Wright

Also Present

Councillors

R J Chesterton, R M Deed, R Evans, Mrs E J Lloyd and
Miss J Norton

Present

Officers

Stephen Walford (Chief Executive), Adrian Welsh
(Strategic Manager for Growth, Economy and Delivery),
John Bodley-Scott (Economic Development Team Leader),
Amy Dugard (Consultation and Youth Involvement officer),
Zoe Lentell (Growth and Regeneration Officer), Sally
Gabriel (Member Services Manager) and Sarah Lees
(Member Services Officer)

17 Apologies and Substitute Members

There were no apologies for absence.

18 Protocol for hybrid meetings

The protocol for hybrid meetings was noted.

19 Public Question Time

There were no members of the public present.

20 Declaration of Interests under the Code of Conduct

No interests were declared under this item.

21 Minutes

The minutes of the meeting held on 15 July 2021 were confirmed as a true and accurate record and signed by the Chairman.

22 Chairman's Announcements

The Chairman had the following announcements to make:

- a) He welcomed the Environment PDG Members joining the meeting via Zoom. The Doughnut Economics item was an issue that both PDG's were interested in as well as the whole Council.
- b) He reminded the Economy PDG Members that 4 informal PDG workshops had been set up between now and Christmas and Zoom appointments had been sent out by the clerk. These would be held to discuss and develop area's within the Economic Strategy such as Agriculture, Place, Infrastructure and Employment & Skills.
- c) He stated that he would be bringing forward item 10, 'Taste Mid Devon' to follow the Covid recovery update.

23 Doughnut Economics (00:07:00)

The Group received a presentation from Peter Lefort, the Impact and Partnership Development Officer from the University of Exeter, with regard to the concept of Doughnut Economics.

Members of the Environment Policy Development Group had been invited to attend the meeting for this item since this was a concept that was also of interest to them.

Cllr Lloyd introduced the item stating that this subject was a good opportunity for Policy Development Groups to be more proactive in developing policy. Through the use of this concept there was an opportunity to translate ambitions into real opportunities in a sector where decision making was becoming increasingly more complex. It provided an opportunity for teams to work more collaboratively within a supportive framework.

Mr Peter Lefort from Exeter University had been invited to attend the meeting to explain the concept of Doughnut Economics and its relevance to Mid Devon in greater detail. Key elements of this concept were outlined by way of presentation which included the following:

- There was a difference between a 'complicated system' and a 'complex system'. Complicated systems were not simple but understandable, a correct answer existed and resolution required expertise. Complex systems were not fully understandable, no correct answer existed and they required perspective.
- With Doughnut Economics there was a need to move away from a linear perspective and replace it with an attempt to view a situation more holistically.
- Within 'the doughnut' the outer ring represented the ecological ceiling within which existed the 'safe and just place for humanity'. The inner circle represented the social foundation where such issues as food, health, education, housing, work, justice and political voice existed. Beyond these boundaries were complex issues such as climate change, biodiversity loss, land conversion and chemical pollution, all co-existing within and circling 'the doughnut'.
- Inaction was no longer a valid choice and business 'as usual' was not an option if climate change was to be addressed.
- Every decision would have a negative impact somewhere and there was a need to acknowledge this way of thinking in that we cannot control all of these systems.

- Economic growth was not always the 'right' thing to strive towards. There was no one right way to achieve something.
- Collaboration was key.
- An example was provided of a decision taken by Cornwall Council to introduce a cycle route showing the impacts of this decision on a number of areas.

Discussion took place regarding:

- This concept touched on all areas of the Council's work and had a wider remit than that of just the Economy Policy Development Group.
- The 'doughnut' model had been adopted by Cornwall Council in 2019 and positive effects had already been seen. Officers had found it particularly helpful in helping to facilitate the decision making process.
- The model shown illustrated that there was a danger of 'overshooting' with particular ambitions. Competing priorities could present significant challenges. A way of tackling this would be to measure the health of an area and try to understand where the social flaws existed. Each decision should be looked at individually and assessments made in each case relating to the positive and negative impacts.
- Public engagement had been greater as a result of Cornwall using this model.
- There was a need to investigate how this could work for Mid Devon and to map out relatable examples that pertained to the district.
- It was suggested that the Economic Development team hold discussions with experts in this area as well as the Devon doughnut collective in order to investigate this concept further and bring relevant information before the Cabinet since this needed to be assessed as a concept affecting the Council as a whole.

RECOMMENDED that the Cabinet receive more information on the concept of Doughnut Economics and that this information include specific examples of how it could work within Mid Devon.

(Proposed by the Chairman)

Reason for the decision:

The Doughnut Economic model provides a framework to balance social and environmental needs and therefore may be of benefit to the residents of Mid Devon as well as the wider community.

24 Covid recovery update (00:45:00)

The Group received, by way of presentation, an update with regard to Covid recovery initiatives across Devon. This included the following:

- The general state of the UK economy and the effect of the pandemic which had been showing some recovery in recent months.
- The Government were predicting a return to the pre-pandemic state by the end of 2021.
- Different sectors were bouncing back in different ways showing different types of recovery.

- Mid Devon generally had a lower than average unemployment rate but also lower than average salaries when compared nationally.
- There was a significant labour shortage in a number of sectors.
- There was a mismatch between the skill sets available and the types of jobs being offered.
- People who were hardest affected in Mid Devon were also the lowest 20% of earners.
- Data was showing increased levels of food poverty.
- Town centres had been showing a decrease in footfall figures.
- Immediate short term challenges included labour shortages, the need for upskilling and reskilling.
- Medium term challenges included business being taken away from the high streets due to online shopping.
- £731k had been given by Defra to support framers.
- Devon Work Hubs would be looked at as a priority especially in the rural areas.
- Evidence showed that businesses were wanting to grow where they could.
- Town Centre regeneration initiatives were still moving ahead.

Discussion took place regarding:

- The skills gap, how it was measured and what could be done to address this? It was explained that labour shortages were in particular areas such as HGV drivers, qualified chefs in the hospitality sector and the construction industry. It was vital to tap into what Team Devon were doing making sure those that needed to were involved in the skills programme. The Economic Development team were working with Petroc to progress this where possible.
- Concerns regarding more skilled employees moving into the area (and thus increasing the demand for housing) making it more difficult for Mid Devon residents to get onto the property ladder.
- The need to provide accessible information and support to those most in need and who did not have access to information technology.

It was requested that the slides presented this evening be circulated to Group Members after the meeting since they contained useful statistics that could be relayed to Parish Councils

25 Meeting Management (01:19:00)

The Chairman informed the Group that he was moving 'Taste of Devon' to be the next item of business.

26 Taste Mid Devon (01:20:00)

The Group received, by way of presentation, information with regard to the recently launched 'Taste Mid Devon' campaign. This included the following:

- This was a promotional campaign designed to attract Mid Devon people and tourists back to a large number of excellent eateries within the district and to support the hospitality industry.

- There were two fundamental principles to the campaign, growing the local economy and supporting the food and drink sector.
- 21% of all Mid Devon businesses were related to the food and drink sector.
- Posters were displayed in strategic locations, social media forums had been targeted and well as a dedicated section on the Visit Mid Devon website with clickable links providing further information.
- Food and drink trails were being drawn up providing a fun and interactive way of experiencing all that Mid Devon had to offer in terms of eating and drinking establishments.
- Members could help by informing constituents about this campaign, by 'liking' social media posts and visiting establishments themselves and leaving comments and photographs on the website.

Discussion took place with regard to:

- The website was kept up to date via a partnership arrangement with Tiverton Museum.
- The team were monitoring the effects of the campaign through various channels including checking search engine results.
- Residents could sign up to receive a newsletter.
- It was important to link the various platforms together to ensure there was better engagement.
- Consideration would be given to drawing up an information pamphlet for those people who did not access social media forums.
- All eateries had been contacted within Mid Devon and offered the opportunity for a free listing on the website.

The Chairman thanked the officers who had provided the information this evening, it had been very informative and he had been encouraged by the enthusiasm which had been shown for this initiative.

It was **AGREED** that the team come back to the Group in 3 or 4 month's time providing an updated presentation on the campaign using the data and information provided to this meeting as a benchmark.

27 **Peninsula Transport: Consultation on Regional Transport Strategy Vision (01:42:00)**

The Group had before it a report * from the Strategic Manager for Growth, Economy and Delivery providing an opportunity for Members to consider a response to Peninsula Transport's consultation on a Regional Transport Vision.

The following views were expressed:

- This was an important document and it was necessary for Mid Devon to be, bold, ambitious and brave about what it wanted in it.
- At the moment the consultation related to the future infrastructure 'vision' and was therefore quite high level. Mid Devon officers would work with colleagues at Devon County Council to develop the strategy further following the consultation.

- Disappointment that the consultation process was already well underway and Members had not had a lot of time to discuss it. Engagement with Members would have been appreciated at an earlier stage.
- Improvements to regional transport was seen as key to economic recovery and as a way of responding to climate change.
- Public transport and access to reliable transport information electronically needed much improvement.
- A joined up approach was vital such as working closely with the Forward Planning team.
- The strategy fitted in with the Council's Corporate Plan.
- The final strategy would influence the distribution of funding.

Note: * Report previously circulated; copy attached to the signed minutes.

28 **Identification of items for the next meeting (01:55:00)**

The following was requested to be on the agenda for the next or a subsequent meeting,

- Update on progress with regard to the working relationship with the NFU
- Update on the Peninsula Transport Strategy as to what the final submission was
- More information with regard to the skills gap (to be provided as part of the next Covid response update)
- Update on the 'Taste Mid Devon' campaign at the January 2022 meeting

(The meeting ended at 7.28 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COMMUNITY POLICY DEVELOPMENT GROUP**
held on 21 September 2021 at 2.15 pm

Present Councillors

W Burke, Mrs C Collis, L J Cruwys,
B Holdman, S Pugh, Mrs E J Slade and
D R Coren

Apologies Councillor(s)

Mrs M E Squires and J M Downes

Also Present Councillor(s)

D J Knowles and B G J Warren

Also Present Officer(s):

Andrew Jarrett (Deputy Chief Executive (S151)), John Bodley-Scott (Economic Development Team Leader), Clare Robathan (Policy and Research Officer) and Carole Oliphant (Member Services Officer)

15 **APOLOGIES AND SUBSTITUTE MEMBERS (0.03.31)**

Apologies were received from Cllrs J M Downes and Mrs M E Squires who was substituted by Cllr D R Coren. The Vice Chairman was in the Chair.

16 **HYBRID MEETINGS PROTOCOL (0.03.52)**

The Group had before it, and **NOTED**, the *Hybrid Meetings Protocol.

Note: *Protocol previously circulated and attached to the minutes

17 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.04.04)**

Members were reminded of the need to declare interests where appropriate.

18 **MINUTES OF THE PREVIOUS MEETING (0.04.22)**

The Minutes of the Meeting held on 27th July 2021 were approved as a correct record and **SIGNED** by the Chairman.

19 **PUBLIC QUESTION TIME (0.05.04)**

There were no members of the public present.

20 **CHAIRMAN'S ANNOUNCEMENTS (0.05.21)**

The Chairman had no announcements to make.

21 **STRATEGIC GRANTS REVIEW (0.05.51)**

The Group had before it a *report from the Strategic Manager Growth, Economy and Delivery presenting the process for a review of strategic grant funding for the financial year 2022-2023.

The Economic Development Team Leader outlined the contents of the report and explained that the framework for the strategic grants review had been postponed due to the pandemic.

The officer explained that the intention for the 2022-2023 awards would be to invite written submissions and presentations from strategic partners to be presented to a working group of the PDG so that recommendations could be made on priorities and funding levels.

He explained that in view of the continuing pressure on local government finances, which was likely to require an 8-10% reduction in funding the PDG was recommended to seek clarification from the Cabinet on funding levels for strategic grants.

Consideration was given to:

- Members views that funding to strategic partners should not be reduced
- How new organisations could apply for funding as a strategic partner

It was therefore **RESOLVED** that:

- A working group be formed to look at the Council's funding priorities for the period 2022-2023 – The membership of the working group was agreed as Cllrs W Burke, L J Cruwys, B Holdman and Mrs M E Squires
- The PDG ask the Cabinet to set the level of strategic grants funding as part of the budget setting process

(Proposed by the Chairman)

Reason for the decision: To agree the process for a review of the strategic grant funding for the financial year 2022-2023

Note: *report previously circulated and attached to the minutes

22 **CONSULTATION - DCC DOMESTIC ABUSE SUPPORT SAFE ACCOMMODATION STRATEGY (0.17.28)**

The Group had before it, and **NOTED**, the *Devon County Council (DCC) Strategy for Domestic Abuse in Safe Accommodation presented by the Cabinet Member for Community Wellbeing.

The Cabinet Member explained that there was a need for DCC to formally consult on the Strategy and that they had a legal duty to finalise and publish the Strategy by the end of October 2021. He confirmed that the deadline for comments on the Strategy by Members was required by Friday 24th September.

He explained that there had been a 110% increase in case referrals during the pandemic and that services were seeing increased trauma and the number of children affected by domestic violence.

In response to questions asked, the Cabinet Member explained that the Strategy was applicable to all genders and all ages of anyone affected by domestic abuse.

It was **AGREED** that if any Members wanted to make any comments on the Strategy before the deadline of 24th September 2021 they would be forwarded to the Committee Clerk who would collate the responses and ensure that these were submitted.

Note: *Strategy previously circulated and attached to the minutes

23 **ANTI SOCIAL BEHAVIOUR PROPOSAL FOR WORK PLAN (0.25.29)**

The Group had before it a *proposal form submitted by Cllr S Pugh detailing a proposal that the Community PDG form a working group to investigate the Council's response to anti-social behaviour in the District.

The Scrutiny Officer explained that the proposal had also been discussed at a recent Programming Panel and that the Chairman of the Homes PDG had requested that their Members also be involved and offered the opportunity to join the working group. She explained that the Scrutiny Committee would be investigating community policing with police representatives.

Cllr Pugh outlined his proposal and stated that anti-social behaviour was not just an issue in Mid Devon but was wide reaching. He wanted to investigate if the Council's current policies were targeted and effective and the enforcement of these policies.

He explained that although the Council's website signposted people to the various organisations and departments who deal with anti-social behaviour it was not clear where people should report instances.

He wanted to explore projects which linked into local primary schools to educate young people of the effect of anti-social behaviour.

Consideration was given to

- Members views that the current CCTV offering in Tiverton was not felt to be adequate
- The re-opening of Tiverton Police station in the autumn

It was therefore **RESOLVED** that Anti-Social Behaviour was added to the work programme and:

- A working group be formed which consisted of Cllrs W Burke, B Holdman, S Pugh and Mrs M E Squires
- Members of the Homes PDG would be invited to join the working group

(Proposed by Cllr S Pugh and seconded by Cllr W Burke)

Reason for the decision: Anti-social behaviour was a major issue nationally and a key concern for residents.

Note: *proposal form previously circulated and attached to the minutes

24 **WORK PLAN (0.46.16)**

The Group had before it, and **NOTED**, the *Workplan which outlined the work of the PDG for the remainder of the municipal year.

The following items were raised as possible inclusion on the Workplan and it was **AGREED** that a proposal form would be completed and presented to the PDG at the next meeting:

- Vulnerability Protocol – Cllr B Holdman

The Scrutiny Officer informed the Group that the Scrutiny Committee were having representatives from Devon County Council present at their November meeting to give an update on Broadband within the District and that Members could either attend the meeting or submit written questions in advance.

Note: *Workplan previously circulated and attached to the minutes

(The meeting ended at 3.07 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 8 September 2021 at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
G Barnell, E J Berry, S J Clist, L J Cruwys,
Mrs C P Daw, R J Dolley, C J Eginton,
P J Heal, F W Letch and B G J Warren

Also Present

Councillor(s)

Mrs E J Lloyd, R F Radford and
Mrs M E Squires

Present

Officers:

Maria De Leburne (Operations Manager
Legal and Monitoring), Nick Hill (Interim
Planning Solicitor), Dean Emery (Corporate
Manager for Revenues, Benefits and
Recovery), Myles Joyce (Consultant
Development Management Manager),
Angharad Williams (Interim Development
Management Manager), Adrian Devereaux
(Area Team Leader), Helen Govier
(Principal Planning Officer), Tina Maryan
(Area Planning Officer), Sally Gabriel
(Member Services Manager) and Carole
Oliphant (Member Services Officer)

79 **APOLOGIES AND SUBSTITUTE MEMBERS (0.03.33)**

There were no apologies or substitute Members.

80 **HYBRID MEETING PROTOCOL (0.03.40)**

The Committee had before it, and **NOTED**, the *Hybrid Meeting Protocol.

Note: *Protocol previously circulated and attached to the minutes

81 **PUBLIC QUESTION TIME**

Mr Mills referring to Item 4 (Pleasant Streams) on the Plans List stated: My question concerns the many heavy vehicles that are kept on the site as part of the applicants' paving business.

Why is this aspect of the development not mentioned in the application or officer report? Should it not be, seeing that the Mid Devon Development Plan's Policy DM 18 on rural employment development states:

“It is important that the various indirect consequences of employment development such as security fencing, lighting, advertising material, open storage and vehicle parking and manoeuvring provisions do not harm the visual environment.”

Should a similar condition on the nature of the site be imposed in the current application?

Mrs Mills again referring to Item 4 (Pleasant Streams) on the Plans List stated that this application for 6 pitches is apparently based on the applicant's needs and circumstances although as you know the applicants owned land with permanent permission until 6 months ago was in County Durham. However Condition 12 makes it clear that the applicants could sell the whole site or part of it to anyone leading a nomadic life style. Consequently if this application is approved, the applicant stands to gain several hundreds of thousands of pounds through increased land value, this would clearly make a mockery of the needs argument. So the question I would like to officer to respond to is – why has the use of a personal condition for the 6 family units in question for which the needs argument is used not been seriously considered within the officer report? This is particularly confusing seeing that:

1. The previous owner of the site owner never managed to get rid of her personal permission on appeal; and
2. The last traveler site approved by MDDC in July 2021 was approved on a personal condition, so we know that this is a practice still used by MDDC.

Frances Wilcox again referring to item 4 on the Plans List stated that she was very concerned about this application for several reasons: are members satisfied that this is a suitable location when under policy you want to encourage walking and cycling? Pleasant Streams are proposing to put another entrance on this very busy Uffculme Road (B3340) with a national speed limit, this road has no street lighting or footpath. The Highways Authority do not see this as a concern just because there are no statistics to prove it. Anyone will be taking a chance to walk this road in day light, let alone in the dark. I was in attendance not so long ago further up the road outside Langlands Business Park, where a member of the public got off a bus, crossed the road to the footpath on the other side and in the process got run over. It was dark and the van driver had not seen the pedestrian. Emergency services were called several times before attending and the man was eventually air lifted to get treatment, he did survive, but this could have been worse. Pleasant Streams does not have a safe and convenient access to local facilities and the bus service is also very limited. Can you advise how they will cater for a space for children to play, is there even enough private space for an individual home or parking spaces? Especially considering the lorries and containers already there. How can this be achieved? After all this, is the officer satisfied that any condition will be adhered to? There was no compliance with any previous conditions and there is very little point in putting in conditions on applications if officers are unable or unwilling to enforce them. This application does not comply with national policy or your own Local Plan, so what assurance can you give to the public that any conditions will be adhered to?

Mr Bratby referring to the Minutes of 14 July 2021 stated: this is a very serious issue as there has been an attack on democracy, somebody has deliberately inserted the 2 words 'high grade' into the 3rd reason for refusal, proposed by a duly elected councillor and agreed by the majority of the committee. These 2 words have completely changed the reason for refusal, the 2 words did not get in there by accident, so has a thorough investigation been undertaken, has the person

responsible been disciplined and if not why not? And finally have measures been put in place to prevent this sort of corruption of the planning system from happening again.

Mr Wilson (speaking on behalf of his wife) and referring to Item 2 (Heronfield House) asked: Is it usual for a planning officer to disregard the recommendations of the Public Health Officer?

The Chairman read out a set of questions from Mr Hiscock referring to Item 1 (Stoneyford) on the Plans List:

1. Why is an industrial estate being built directly within a residential area as it will bring noise, smell, signage, vehicle and light pollution plus crime to the community?
2. The industrial estate will definitely cause a large increase in the volume of heavy goods vehicles passing through our community. How can you let this happen?
3. The new estates entrance is unsuitable and unsafe. It is being built at the top of a blind hill from of Cullompton. The junction breaks the DCC precedent of having right turn safety lane to commercial premises in Stoneyford. Long heavy goods vehicles turning right out of the new estate will block the entire width of the Honiton Road. Vehicles turning right into the estate will block the entire left hand lane encouraging motorists to undertake using the kerbside private land.
4. The Honiton Road public footpath - Once anyone steps off of the narrow path and damages private land the residents will bear the cost. The path is also out of sight of the industrial estate. We do not want commercial signage pollution in a residential area to overcome this problem.
5. The new road junction will encourage pedestrian customers to use the private service road opposite and if that road was restricted no doubt they will walk along the unprotected A373.
6. Kingsmill Industrial estate is nowhere near fully developed.
7. The large undeveloped 'Cullompton Business Park' should be used first.
8. The Kingsmill Road should be used as further development rather than encroaching into a residential area.
9. Junction 28 M5 is at full capacity and further industrial development will worsen the traffic volume especially as the Cullompton relief road and the new M5 junction are in jeopardy.
10. There is a ransom strip of land and a covenant indirectly linked to this application regarding the new road system and the document shows that if this application is approved the ransom strip and covenant may be lifted to assist the Garden Village's development this must be brought out into the open and discussed.

The Chairman indicated that answers to questions would be provided when the items were discussed.

82 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

Members were reminded of the need to declare interests as appropriate.

83 **MINUTES OF THE PREVIOUS MEETING (0.16.39)**

The minutes of the meeting held on 18th August 2021 were agreed as a true record and **SIGNED** by the Chairman.

The minutes of the meeting held on 14th July 2021 were agreed as a true record subject to the wording 'high grade' being removed from minute number 49 and were **RE-SIGNED** by the Chairman.

In response to a public question the interim Monitoring Officer confirmed that an internal investigation was being conducted.

84 **CHAIRMAN'S ANNOUNCEMENTS (0.20.49)**

The Chairman announced that she was standing down as Chairman of the committee after 10 years and she thanked Members and officers that she had worked with over that time.

She introduced Angharad Williams as the new Interim Development Management Manager.

85 **DEFERRALS FROM THE PLANS LIST (0.23.52)**

There were no deferrals from the Plans List.

86 **THE PLANS LIST (0.23.55)**

The Committee considered the applications in the *Plans List.

Note: *List previously circulated and attached to the minutes.

a) 20/01409/MOUT - Outline hybrid application for the erection of industrial units within use Classes E(g), B2 and B8 on 8.74 hectares of land to include green infrastructure and Full permission for the erection of 4 industrial units (Plots 5, 9 and 10) (4327sqm) Classes E(g), B2 and B8 and creation of new vehicular access, parking, detention basin and landscaping at Land at NGR 303082 107667, Stoneyford, Devon.

The Area Planning Officer explained that it was a hybrid application on an allocated site under policy CU17.

She outlined the application by way of a presentation which highlighted the site location plan, plot allocations, plot 5 elevations, plots 9 & 10 site layout, plot 10 elevations, aerial view and photographs of the site and from the proposed access.

In response to public questions she confirmed:

- The Garden Village was not just for residential dwellings but also provided for employment
- The site allocated for employment in the Local Plan and the proposal had been considered by the Public Health officer in respect of pollution

- The Highways Authority had no objections to the access or predicted traffic generation along Honiton Road
- The walking route would join with an existing public right of way and the travel plan provided for employees to be provided with details of the walking route
- There was no policy requirement for other industrial sites to be built out first
- If the site became viable in the future it could become liable for a contribution towards the Cullompton relief road through a reviews mechanism in the section 106 agreement to help mitigate traffic congestion at Junction 28
- There were issues outside of the planning application process that were not within control of MDDC or the applicant that were preventing the link with Kingsmill Estate from being provided as this of this application

In response to Member questions she confirmed:

- Tree planting had been considered and a landscaping plan had been submitted that provided for tree screening and biodiversity enhancements
- There was no provision for ground or air source heat pumps, but solar panels would be provided
- The application had been scrutinised by the Environment Agency in relation to flood risk and a sustainable drainage system would be installed include pollution control measures

The DCC Highways Officer confirmed that the development did not qualify for a right hand turn lane and that a 30mph road required 43 metre visibility splay and this development provided 70 metres. If a new road was provided through the site at a later date or if there was further development there may be an opportunity to add in a right hand turn lane if the development qualified for one.

Consideration was given to:

- Some Members views that the access was dangerous
- The views of the agent who explained that the development was within the Local Plan and that the area needed a balanced and prosperous district which would provide growth in the District.

It was therefore **RESOLVED** that planning permission be granted subject to conditions and the signing of a S106 agreement to secure:

1. A 20 metre strip of land to the southern side of the development to be safeguarded for potential future highways improvements
2. Provision of new footpath and upgrading of existing public right of way
3. Travel plan
4. Provision, management and maintenance of green infrastructure/public open space
5. A review clause to reassess viability of the scheme with regard to a contribution towards the Cullompton Relief Road at a trigger point of the occupation of 4,250 square metres on the use of X amount of floor space, based on actual achieved costs and transacted sales values being secured to determine how much contribution needs to be paid through s106 on the remaining plots.

(Proposed by the Chairman)

Reason for the decision: As set out in the report

Notes:

- i. Cllrs Mrs F J Colthorpe, G Barnell, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from objectors
- ii. Cllr B G J Warren declared a personal interest as he was known to an objector
- iii. Cllr R J Dolley declared a personal interest as he knew people in Cullompton
- iv. Glenn Crocker spoke as the Agent
- v. Cllr E J Berry requested that his vote against the decision be recorded
- vi. The following late information was received:

Reason 15 – the policy referred to should be Policy DM25

Point 5 of the S106 part of the recommendation, the reference to TCRR should read “Town Centre Relief Road”.

Page 74, fourth paragraph:

Concern has been raised that the development will encroach on land identified as green infrastructure in the Local Plan. Following discussions with the applicant, the area originally shown as GI has been increased and now the area of GI to be provided is in excess of the 2 hectares required by policy CU17.

Should read: “... and now the area of GI to be provided...”

Page 83. There are two informatives numbered 3. The last one headed “Public Rights of ‘Way’” should be numbered 4.

b) 21/00453/FULL - Change of use of agricultural land for siting of two off grid mobile cabins for holiday use at Land at NGR 292586 107415, Heronsfield House, Cadeleigh.

The Acting Area Team Leader outlined the application by way of a presentation which highlighted the site location plan, block plan, the black cabin, the tin cabin and photographs of the site and parking provision.

The officer explained that the site was along a private track which was not in the ownership of the applicant but a dispute over land access was not a material planning consideration.

In response to public questions the officer explained that officers had given full consideration to the views of the Public Health Officer but on balance felt that it was not a limited reason for refusal.

In response to Member questions he confirmed that:

- The cabins would be classed as caravans but a condition restricted the site to 2 units in a particular location
- The cabins were very low impact which were well screened and would not have a negative impact
- Consideration was given to the business case and it was felt the application would have a positive impact on the local character
- The materials used for the cabins was in keeping with the rural buildings already located in the area
- The cabins were low key structures but appearance could be subjective
- There were no proposed times for operations and the management plan explained how holiday makers would be managed

Consideration was given to:

- The views of the objector who stated that access to the site was across his property and requested a condition that access arrangements were confirmed prior to any occupation, that the applicants had an agricultural tie to their property, that sound travelled across the valley and that external lighting had been added
- The applicant who stated that the pre application advice had been supportive and they had worked to ensure that the application complied with local policies. There was a gap in the market for off grid sustainable accommodation and the location had been carefully considered
- The views of the Ward Member who highlighted concerns with visual impact, access and traffic in the locality
- The advice from the Planning Solicitor who confirmed that the dispute between the neighbour and the applicant over access was not a material consideration
- The views of Members that the development would cause no harm and that people would like to spend the night there

It was therefore **RESOLVED** that planning permission be granted subject to conditions to include a reworded Condition 5 which read: No more than two units of holiday accommodation shall be provided on the application site at any one time, and those units shall be provided in strict accordance with the details submitted within the approved plans. The said holiday units shall not be replaced without the Local Planning Authority first granting planning permission.

(Proposed by Cllr P J Heal and seconded by Cllr G Barnell)

Reason for the decision: as set out in the report

Notes:

- i. Cllrs Mrs F J Colthorpe, G Barnell, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from objectors
- ii. James Wilson spoke as the objector
- iii. Harriet Harper spoke as the application

- iv. Cllr R M Deed provided a statement as Ward Member which was read out by the Chairman
- v. The following late information was received

Further comments have been received from the applicant, correcting a couple of inaccuracies in the committee report, and providing further information, as follows:

- There was a total of 5 representations from the public, not 6, of which 4 were objections & 1 was in support.
- As detailed in our supporting statement dated 7th May 2021, since only one of the cabins is suitable for accommodating a baby & our target market is the over 35s without children (this being the growth market for our type of accommodation) we have decided to market ourselves as a child free site.
- I can confirm that it is our intention to create a safe & secure compost area on our land behind the agricultural barn, which is clearly identified on the site plans. This area is well away from the route that clients will take to access the cabins, it is also well away from the river. Furthermore, given its immediate proximity to the barn, it can be securely fenced without impacting on any visual amenity. However, it should also be noted that a considerable number of trees have been planted in that area, including a number of faster growing Birch & Willow, which will in any event screen whatever view there may be within the next few years.
- The applicant advises that they have sought legal advice in respect to rights of access over the private track and understand that they have the necessary rights to implement the planning permission, should it be granted.

A letter has been also received from the owners of the private track that accesses the application site, and who are also occupiers of East Court Farm, the nearest residential property to the west of Heronsfield House, and to the north of the application site. They also wish to make comment in relation to the committee report, as follows:

- Firstly, it is advised that their property is called East Court Farm, not East Court Barton, as referred to in the report.
- The report suggests that the private track may not be in their ownership and refers to a third party who has suggested that the track is a public highway.
- It is not felt that the application has submitted the Article 13 Notice in the correct way, as they have not asked the landowner's permission to implement the proposal, if granted.
- It is requested that if approved, a condition is imposed requiring the applicant to demonstrate that they have right of access, prior to implementing the consent.
- The contributor also advises that they have sought professional legal advice in respect to rights of access over the private track and believe that it is a new enterprise that would require landowner consent for access.

- The officer's summary of the proposal against the relevant policies of the Mid Devon Local Plan is entirely subjective and differs from the views of local residents on a number of policies.
- There are remaining concerns about how waste will be dealt with and the officer recommendation going against the Environmental Health Officer's recommendation.
- The Economic Development Officer's response contradicts one given in response to another nearby tourism proposal at Home Farm.
- There remain concerns about users of the private track having to manoeuvre to allow passing.
- It is noted that the units are moveable and it is felt that the applicant's would be able to move them to other locations, if approved.

Correspondence from both the applicant, and the above objector has been forwarded to Members of the Planning Committee.

The Acting Area team Leader has further considered the wording of condition 5, and suggested that it be reworded as follows:

5. No more than two units of holiday accommodation shall be provided on the application site at any one time, and those units shall be provided in strict accordance with the details submitted within the approved plans. The said holiday units shall not be replaced without the Local Planning Authority first granting planning permission.

c) 21/00276/MFUL - Erection of 13 dwellings to include associated landscaping, public open space and infrastructure at Land at NGR 283084 102432 (Fanny's Lane), Sandford, Devon.

The Area Team Leader outlined the contents of the report by way of a presentation which highlighted the site location plan, site layout, street scenes, an artistic rendition, site section, house types and photographs from various aspects of the site.

He confirmed that it was an allocated site within the adopted Local Plan and the development would be in excess of the number of units identified but officers considered the density and felt that the increased number of dwellings on the site would not be detrimental. He confirmed that a full committee site visit had taken place as requested by Members.

There had been no objections from the Highways Authority and the SUDs ground basins had been approved by the Devon County Council Flood and Coastal Risk Management Team.

The Conservation Officer had been concerned with the impact of the bungalow on plot 8 to the nearby grade 2 listed building but planning officers had felt it was acceptable on balance.

In response to Members questions he stated:

- The details of the attenuation basins would be shared with the local Flood Authority and Building Control before they were signed off by the Planning Authority
- The increased height of the bungalow on plot 8 was due to the pitch of the roof
- The Planning Authority were unable to request electric car charging points on the development as it was outside of the 3 main towns and not within current policy
- The Parish Council intended to use any air quality payments towards footpaths and cycle ways and not towards a car charging point in the village
- The scheme was as submitted and there was no current policy which had the requirement that Solar PV must be installed on new builds
- The bungalow on plot 8 would have permitted development rights removed so that it could not be built up in the future
- The previous development was within a Conservation Area and therefore had slate roofs installed but this development was not in that area and the zinc roofs proposed were not against national planning policy

Consideration was given to:

- The views of the agent who said the developers had the ambition to have an executive looking development and that the larger development had secured an extra affordable home. That the comments with regard to the drainage ponds had been noted that that the developer would be happy to provide fencing
- The views of the Parish Council who stated that the main concerns within the village were the drainage ponds and the zinc roofs. That money for air quality would be directed towards footpaths
- The views of the Ward Members who were concerned that no soil was left on site, the lack of car charging points provided, the late submission of a landscape and heritage plan, there were no measures for biodiversity net gain and there was not enough housing mix for young families and older people downsizing
- The views of Members that delivery times could not be adhered to
- The views of Members that additional footpaths should be provided
- Members concerns that electric car charging points should be provided by the developer
- Concerns of Members about the safety of children when the attenuation ponds were full with run off and that nothing had been done to mitigate that
- The legal advice provided by the Planning Solicitor that current MDDC policies did not provide developers with an obligation to provide electric car charging points or sustainable heat sources and therefore it could not be conditioned that they did

It was therefore **RESOLVED** that planning permission be granted subject to conditions with an amendment to condition 6 to state

6. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Environmental Management Plan (CEMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;

- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays with no deliveries and construction traffic between 8.15am – 9.15am and 3pm – 4pm during school term times; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

The CEMP shall also identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

and the signing of a S106 agreement and delegated authority be given to the interim Development Management Manager in consultation with the Chairman and Ward Members to renegotiate conditions 2, 4 and 15 to alleviate Members concerns with regard to:

- The roof height of the bungalow on plot 8 which was deemed to be too high
- The installation of and maintenance of fencing around the attenuation basins to mitigate harm to children
- The material proposed for the roofs to be slate and not zinc

(Proposed by Cllr P H Heal and seconded by Cllr S J Clist)

Reason for the decision: as set out in the report

Notes:

- i. Cllrs Mrs F J Colthorpe, G Barnell, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from objectors
- ii. Daniel Rogers spoke as the agent
- iii. Cllr J Stephens spoke on behalf of Sandford Parish Council
- iv. Cllrs Mrs M E Squires and E Lloyd spoke as Ward Members
- v. The following late information was received:

In order to address concerns raised in respect to construction traffic/deliveries arriving at school times, in order that this can be avoided, condition 6 is proposed to be amended as follows:

6. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Environmental Management Plan (CEMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays with no deliveries and construction traffic between 8.15am – 9.15am and 3pm – 4pm during school term times; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

The CEMP shall also identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and

waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

The following corrections to the text within the report should be noted: Pg. 116:

The response from the DCC Flood & Coastal Risk Management Team should be 23rd April 2021.

Pg. 121:

With respect to the Conservation Officers response, within the third paragraph the word 'not' instead of 'to' should have been used so the paragraph reads:

The rest of the Heritage Statement is weak and does not address the required GPA 3 Steps or provide understating of the setting and its significance. The Heritage Statement is a simple exercise in supporting an already conceived layout and the poor siting of Plot 8 with a poor designed bungalow

In the fourth paragraph (6.27) the word 'abut' instead of 'about' should have been used so the paragraph should read:

6.27 The image below is an aerial photograph from 2020 and the dwellings circled red are situated at the western end of the Creedy View development. Immediately to the south is Park House. As will be observed on site, the flank elevations of two story properties were allowed to immediately abut the rear boundary of this grade II listed building. This arrangement has enclosed Park House on its very open northern boundary and, in our view, has had far more impact on the setting of Park House than the proposals which are being considered here.

d) 20/02128/FULL - Change of use of land for the provision of 6 permanent pitches for the use of gypsy and traveller family, formation of a new vehicular access, hardstanding and associated works at Pleasant Streams, Uffculme, Cullompton.

The Principal Planning Officer confirmed that a full committee site visit had taken place and reminded the Committee of the application by way of a presentation highlighting the proposed site layout, aerial images, photographs of the site and the mobile homes on site and the access.

In response to public questions she stated:

- The application was for a residential site and not an employment development
- Each planning application had to be determined on its own merits
- The Government's Planning Practice Guidance stated that personal conditions were rarely appropriate and should only be used in exceptional circumstances
- The Officer assessment considered that the proposal was in accordance with policy DM7 and therefore a personal permissions was not justified
- Officers felt that there were sufficient amenities for occupiers

- If conditions were not adhered to the Planning Authority had the ability to investigate and enforce breaches of planning control

The Planning Solicitor advised Members that they should disregard any reference to unauthorised development on the site and determine the application in front of them and that in accordance with the National Planning Policy Framework there was no need for a personal condition. He also confirmed that the application was for a gypsy/traveller site for 6 units.

The Principal Planning Officer confirmed that a condition restricted the number of units to 6.

Consideration was given to:

- The views of the objector who stated that the development was overbearing and that the applicant had moved in without permission. That she was relying on the Committee to make a decision in accordance with local opinion and that the Planning Authority had done nothing to stop the unauthorised development of the site
- The views of the agent who stated that policy DM7 allowed for gypsy/traveller sites as long as the applicant meet the criteria for gypsy/traveller. That the Mid Devon Local Plan ensured fair treatment of travellers to protect their way of life and where a site was suitable the local authority needed to bring it forward. There was a shortfall of available pitches and no alternative locations for this family
- The views of Willand Parish Council who stated their written submission still stood and that planning legislation should be equal for all. Why did enforcement officers call to the site but no stop notice was issued on the development. The current family were not related to the previous family
- The views of Uffculme Parish Council who stated they objected because it was unauthorised development and you could not ignore the effect that it had on the settled community. There was a negative impact due to the lights and that the Authority should not reward the applicants with an approval. That the site should be returned for agricultural use
- The views of the Ward Member who confirmed that there was a previous personal condition and that the site should have been returned to agricultural use when the previous family left. That the Authority now had a 5 year plan so there would be enough sites in the future and that maybe planning officers could renegotiate for a fewer number of units
- The legal advice of the Planning Solicitor that previous unauthorised development was not a consideration for refusal
- Members views that planning policy was not being adhered to as travellers sites in open countryside should be strictly limited
- Members views that the site did not enhance the area
- The advice given by the interim Development Management Manager that gypsy/traveller sites were treated the same as affordable housing and that there was provision for windfall sites, such as this, to come on line and that the application complied with policy DM7

It was therefore **RESOLVED** that planning permission be granted subject to conditions subject to Condition 8 being amended to: (reference to County Planning Authority replaced by Local Planning Authority):

8. No works relating to the formation of the new access shall take place until details of the layout and construction of the access have been submitted to and approved in writing by the Local Planning Authority.

With an additional condition proposed to secure an appropriate method of surface water drainage;

19. Within 3 months of the date of this decision there shall be submitted to, and approved in writing by, the Local Planning Authority full details of the means of surface water drainage from the site which is to be implemented in accordance with the phasing plan outlined in condition 3 above. The submitted details shall include results of infiltration testing in accordance with BRE Digest 365. For the avoidance of doubt, the approved drainage infrastructure shall be implemented in accordance with the phasing plan required by condition 3 which will set out the timeframe for completion of the approved works.

Reason: To ensure a satisfactory and sustainable surface water drainage system is provided in accordance with policies S9 and DM1 of the Mid Devon Local Plan 2013-2033.

(Proposed by the Chairman)

(3 votes for - 3 votes against - Chairman's casting vote)

Reason for the decision: as set out in the report

- i. Cllrs Mrs F J Colthorpe, G Barnell, E J Berry, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from objectors
- ii. Cllr B G J Warren made a declaration in accordance with Protocol of Good Practice for Councillors dealing with planning matters as he was an adjacent Ward Member and Chairman of Willand Parish Council
- iii. Cllr R J Dolley made a personal declaration as he knew people in the travelling community
- iv. A vote against the officer recommendation was not supported
- v. Cllrs R J Dolley and B G J Warren requested that their votes against the decision be recorded
- vi. Dr Linnea Mills spoke as the objector
- vii. Glenn Crocker spoke as the agent
- viii. Cllr K Grantham spoke on behalf of Willand Parish Council
- ix. Cllr T Pointing spoke on behalf of Uffculme Parish Council
- x. Cllr R Radford spoke as Ward Member
- xi. The following late information was received:

The report is the same as presented at 18th August committee, the updates reported at that meeting are repeated below. Following that meeting the application was deferred to enable a full Planning Committee site visit to take place to enable Members to view the site and development which had already

taken place and to view the highways arrangements. A member site visit has now been undertaken (Friday 3rd September). Please see below additional updates;

- Condition 8 is amended (reference to County Planning Authority replaced by Local Planning Authority):

8. No works relating to the formation of the new access shall take place until details of the layout and construction of the access have been submitted to and approved in writing by the Local Planning Authority.

- Following queries raised by members at the site visit regarding the Highway Authority consultation response and figures provided in relation to accident figures, the Highway Authority have provided the following response (email 6th Sept) "The information I gave in my response with regards the accidents which had been reported to the Police between 1/1/2015 and 31/12/2019 is correct which is one slight Accident on 25/8/2016 involving 3 vehicles with one casualty. I have no records of any other accident in the area of the proposed access. There are a few other accidents on Uffculme Road but not in the area of the proposed access."

Updates carried forward from 18th August

1. At page 3 under the proposed development section, the area of the site that has previously been used for the siting of three mobile homes is approximately 0.13 hectares rather than 1.3 hectares as stated.

2. Since the officer report was drafted further representations have been received from a member of the public and CPRE Devon, the additional points that have been raised and were not previously listed within representations are summarised below;

- Clarity is sought on the up to date supply and need for gypsy and traveller sites to justify a permanent gypsy and traveller site for 6 units in this countryside location
- Why has the GTAA not been updated in 7 years?
- As a permanent site for 6 units how does this compare to the size of existing allocated sites?
- Does the scale of development provide a well balanced site where amenity, security and management are achievable?
- How does the appraisal relate to national standards applied to housing and the specific requirements of gypsy and travellers in terms of pitch and size of pitch?
- There is no measurable biodiversity net gain attributed to this proposal to align with national planning policy and the emerging Environment Bill.
- Where is the Landscape and Visual Impact Appraisal to justify mitigation methods being conditioned?
- Clarity is needed in relation to the poultry unit and regularisation of this situation.

Officer comments in response to the points raised:

Policy position: The Inspector responsible for examining the Local Plan did raise some issues in relation to the provision for Gypsies, Travellers and Travelling Showpeople and noted that it does not provide in full, in specific terms at least, for the need identified in the

Plan for 35 pitches for Gypsies and Travellers and 11 plots for Travelling Showpeople. This was considered in detail throughout the examination process. However, as the Council has a demonstrable record of windfall sites for Gypsies and Travellers coming forward and provided that relevant policies make proper provision for these windfall sites to come forward (which was subject to Main Modifications), the Inspector was content that the Plan can still function in a positive and effective way. The GTAA is due to be updated later this year/early next year. Officers are currently preparing a project brief and have started discussions with the Exeter Housing Market authorities to progress this in partnership.

Housing standards/layout/ amenity: The allocated gypsy and traveller sites are for between 5- 10 pitches, these form part of the larger site allocation, the allocations do not specifically identify a site area for the pitches. The technical housing standards- nationally described space standard would not be applicable to a development of this nature. The submitted block plan demonstrates pitches are large enough to accommodate a mobile home, touring caravan, parking and amenity space.

Ecology: Section 7 of the officer report sets out the biodiversity enhancements that the ecologist recommends are incorporated in the scheme (bird and bat nesting boxes), this is in addition to the 110m of new native hedgerow that is proposed to be provided which would secure a net gain in the hedgerow habitat on the site. The percentage net gain has not been calculated using the Natural England biodiversity metric tool, however as the Environment Bill has not yet been passed this is not a statutory requirement and officers are satisfied, based on the ecologist's advice and mitigation and enhancement measures that can be secured by condition (see conditions 3, 11, 14 and 16) that appropriate biodiversity enhancements can be secured in accordance with policies S1 and S14 of the Mid Devon Local Plan.

LVIA: In this case it was not considered necessary to require a Landscape and Visual Impact Appraisal, the case officer has visited the site and the assessment of landscape and visual impacts are set out at section 3 of the officer report.

Poultry unit: it is reiterated that the unauthorised development outside of the site area does not form part of this application. It is likely that a Public Health Officer will be in attendance at committee to advise on their involvement in relation to the environmental concerns that have arisen on site.

3. As indicated at section 6 of the officer report a condition is proposed to secure an appropriate method of surface water drainage;

19. Within 3 months of the date of this decision there shall be submitted to, and approved in writing by, the Local Planning Authority full details of the means of surface water drainage from the site which is to be implemented in

accordance with the phasing plan outlined in condition 3 above. The submitted details shall include results of infiltration testing in accordance with BRE Digest 365. For the avoidance of doubt, the approved drainage infrastructure shall be implemented in accordance with the phasing plan required by condition 3 which will set out the timeframe for completion of the approved works.

Reason: To ensure a satisfactory and sustainable surface water drainage system is provided in accordance with policies S9 and DM1 of the Mid Devon Local Plan 2013- 2033.

87 MAJOR APPLICATIONS WITH NO DECISION (4.38.30)

The Committee had before it, and **NOTED**, a *list of major applications with no decision

It was **AGREED** that:

Application 21/01576/MOUT - Land at NGR 298976 112882 (Hartnoll Farm) Tiverton, Devon - Outline for the extension of existing business park for up to 3.9ha of employment land and up to 150 dwellings with associated infrastructure and access with all other matters reserved be brought to Committee and a full Committee site visit take place.

Note: *list previously circulated and attached to the minutes

88 APPEAL DECISIONS (4.40.16)

The Committee had before it, and **NOTED**, a *list of appeal decisions

Noted: *List previously circulated and attached to the minutes

89 PLANNING PERFORMANCE (4.40.37)

The Committee had before it, and **NOTED**, a *report of the Consultant Development Management Manager which outlined the performance aspects of the planning function.

The officer explained that the Planning Authority had determined 91% of major applications within the required timeframes as was placed second in the South West region.

He highlighted:

- Major overturns were below the Government target of 10% had risen to above 7%.
- There had been no return of fees under the planning guarantee
- Enforcement action and visits had reduced due to sickness and staff vacancies but 2 additional enforcement officers had been recruited
- The number of planning applications had increased

Note: *Report previously circulated and attached to the minutes

(The meeting ended at 7.33 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 22 September 2021 at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
G Barnell, E J Berry, S J Clist, L J Cruwys,
Mrs C P Daw, R J Dolley, C J Eginton,
P J Heal, F W Letch and B G J Warren

Present

Officers:

Andrew Jarrett (Deputy Chief Executive (S151)), Maria De Leburne (Operations Manager Legal and Monitoring), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Angharad Williams (Interim Development Management Manager), Nick Hill (Interim Planning Solicitor), Adrian Devereaux (Area Team Leader), Myles Joyce (Consultant Development Management Manager), Jake Choules (Planning Assistant), Carole Oliphant (Member Services Officer) and Sally Gabriel (Member Services Manager)

90 **ELECTION OF CHAIRMAN**

Councillor L J Cruwys **MOVED**, seconded by Councillor E J Berry that Councillor P J Heal be elected Chairman of the Planning Committee for the remainder of the municipal year.

As there were no other proposals, Councillor P J Heal was duly elected Chairman of the Planning Committee for the remainder of the municipal year.

91 **APOLOGIES AND SUBSTITUTE MEMBERS (00-02-10)**

There were no apologies for absence.

92 **PROTOCOL FOR HYBRID MEETINGS (00-02-22)**

The Committee had before it, and **NOTED**, the *Hybrid Meetings Protocol.

Note: *Protocol previously circulated and attached to the minutes.

93 **MINUTES OF THE PREVIOUS MEETING (00-02-32)**

Subject to an amendment to the title of the 4th speaker in public question time – removing 'Mr' and replacing with 'Dr', the minutes of the meeting held on 8 September 2021 were agreed as a true record and duly signed by the Chairman.

94 **PUBLIC QUESTION TIME (00-07-41)**

Mr Matthews referring to Item 10 (Langford PV Solar Array) on the agenda stated that: The officer states the supposed benefits to the local population. But there are none. Most of the money will be spent in China and specialist contractors will be brought in to do the work. Do you agree that there will be very few, if any, local jobs, that there will be a loss of agricultural land and farming, a loss of our beautiful landscape, a loss of tourism, wildlife disruption, and an impact on deer?

Mr Matthews (speaking on behalf of his wife) and again referring to item 10 asked: Do you agree that poor quality, low nutritional grass and weeds will grow under and between the solar panels and that, as experience has shown, sheep grazing will not be continued and in fact grass mowing and use of herbicides will become necessary? Photos showing sheep in solar farms are just for propaganda purposes.

Dr Bratby again referring to item 10 asked 2 questions:

1. Can you provide an update on the investigation into how the two words "high grade" appeared in the minutes of the meeting of 14th July?
2. The Implications Report gives a warning about the implications for Mid Devon District Council of an appeal if the committee refuses this application. Are you aware that Devon CPRE has considerable experience at appeals, whether by public inquiry, hearing or by written representation and Devon CPRE would support MDDC in the event of an appeal?

Mrs Wheeler referring to the same application stated: In its submission of November 22nd 2019 Devon Wildlife Trust (DWT) recommended to guarantee bio diversity impact and soil improvement a fully qualified habitat restoration ecologist should be involved throughout. Mid Devon's welcome conditioning of an ecological clerk of works does not of itself meet that criterion. Can we be assured that should the application be accepted DWTs specific stipulation will be adopted and if not why not?

Mr Roland Smith referring to the same application stated that: We are all very well aware of the current energy crisis, which stems from gas price hikes and an increasing reliance on gas-fired power stations to cover for the poor performance of unreliable renewables such as wind and solar. Do you not consider it madness to build more solar farms and make the energy crisis in the future even worse?

The report states "The social and economic benefit of providing for the average electrical needs of 10,077 homes in the Mid Devon area. Do you not agree that this is not true as the solar farm will be supplying to the distribution network, not specifically to Mid Devon? It will contribute to the national demand for electrical energy to the paltry extent of 0.016% of average demand and absolutely zero after sunset when demand is at its highest?

A question asked before but which remains unanswered: can you tell us why the Officer maintains that the development will cut greenhouse gas emissions when a life cycle analysis has not been performed when the mining, manufacture and transport of panels from forced-labour factories in China will produce huge emissions of carbon dioxide.

Mrs Janice Jones referring to the same application stated:

Langford Court is a Grade 2*, not Grade 2, listed building as stated in the Implications Report. Are you aware that a Grade 2* listed building is afforded great protection against visual impacts from a development?

The government has recently stated that it is concerned at the increasing loss of farmland and that with a rapidly expanding population we should be producing more food instead of importing food from countries which produce it using unsustainable methods? Do you agree that we should be using Mid Devon's farmland to produce top quality meat and dairy products rather than low grade energy such as solar power?

Mrs Jones asked a question on behalf of Mandy Willis: Did the committee ever carry out a site visit and are the members fully aware of the huge scale of the proposal and its visual impact on the landscape and surrounding properties?

Mr Michael Jones asked the following questions:

Do you realise that considerable maintenance of solar farms is necessary? This includes mowing the grass under and between the panels at least twice a year, applying weedkiller at least once a year to kill pernicious weeds and prevent scrub from growing, and cleaning the panels at least twice a year. Do you know that heavy machinery is required to carry out all this maintenance and that after 40 years of such activity the soil will be compacted and severely degraded?

I am sure the Committee members are aware of nearby solar farms at Westcott, Willand and Burlescombe which total 81 acres. There is another proposal for a 158 acre solar farm 1.2km away at Clyst Hydon. Are the Committee happy with another massive installation of 152 acres in Mid Devon with the potential of these areas being reclassified as a brownfield site in 40 years or less.

Mrs Winterson again referring to Item 10 on the agenda stated: Have the developers provided a detailed and realistic forecast of what the solar farm would likely generate under different conditions and if so what model is this based? If the solar farm should be approved would its ongoing energy contribution and efficiency be public knowledge?

The Chairman indicated that responses to questions would be provided when the item was debated.

95 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00-20-55)**

Members were reminded of the need to declare any interests when appropriate.

96 **CHAIRMAN'S ANNOUNCEMENTS (00-21-03)**

The Chairman paid tribute to the outgoing Chairman and thanked her for her tremendous work as chairman of the committee and he was grateful that she had decided to remain as a member of the committee.

97 **DEFERRALS FROM THE PLANS LIST (00-21-55)**

There were no deferrals from the Plans List.

98 **PLANS LIST (00-22-00)**

The Committee considered the applications in the *Plans List.

Note: *List previously circulated and attached to the minutes.

Applications dealt with without debate.

In accordance with its agreed procedure the Committee identified those applications contained in the Plans List which could be dealt with without debate.

RESOLVED that the following applications be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

- a) *Application 21/00787/FULL – Erection of 2 residential flats – adjacent to 24 and 24A Siddalls Gardens Tiverton*** be approved subject to the conditions as set out in the report.

(Proposed by the Chairman)

Note: Cllr L J Cruwys requested that his vote against the decision be recorded.

Reason for the decision – As set out in the report

- b) *Application 21/00787/FULL – Installation of concrete ramp and railings to front access – 49 Bilbie Close, Cullompton*** be approved subject to the conditions as set out in the report.

(Proposed by the Chairman)

Reason for the decision – As set out in the report

99 **APPLICATION 19/01679/FULL - CONSTRUCTION OF GROUND MOUNTED SOLAR PV PANEL TO GENERATE UP TO 49.9MW (SITE AREA 60.78HA) AND BATTERY STORAGE FACILITY TOGETHER WITH ALL ASSOCIATED WORKS, EQUIPMENT AND NECESSARY INFRASTRUCTURE - EAST OF LANGFORD MILL AND TYE FARM, LANGFORD (00-27-00)**

At the meeting of 14 July 2021, the Committee were minded to refuse the application and requested that an *implications report be produced to consider the reasons for refusal.

The Consultant for Development Management recapped on the history of the application and the previous reports that the committee had considered and the reasons for deferral. He requested that members consider the update sheet: the proposed amended reasons for refusal and a further representation.

He then supplied responses to questions raised in public question time:

- With regard to the investigation, this was ongoing and expected to be completed by the end of the month
- With regard to the CPRE offering assistance should an appeal be lodged, he thanked them but advised them as a third party they could apply to the Planning Inspectorate as a rule 6 party.
- With regard to the site visit – some members did visit the site and that all members had taken account of all the issues raised within the report and were familiar with the site
- With regard to the visual impact of the proposal, this had been addressed within the report
- With regard to sheep grazing – sheep did graze fields with PV arrays
- With regard to supposed benefits to the local population – the bullet points in the report covered all of the objections, however the officer had looked at the benefits as part of the planning balance
- With regard to the loss of agricultural land and whether farmland should be used to produce top quality meat and dairy products rather than low grade energy – he referred to the report and the high carbon footprint of meat.
- With regard to questions from Mr Smith, he stated that the application had been assessed in line with the latest planning policy and guidance and that the report highlighted the benefits of the proposal
- With regard to a detailed and realistic forecast of what the solar farm would likely generate in different conditions, this was not required in support of this application and for further information the applicant may be able to assist with this
- He informed the meeting all the other information requested was available within the report.

The officer then outlined the contents of the report highlighting by way of presentation the site location and layout of the proposal which included plans of the siting of the panels, and the plant and battery storage. He provided photographs from various aspects looking towards the site and existing and photomontage views of the site. He then outlined the 3 reasons for refusal outlined within the implications report and revised in the update sheet.

The officer then explained in detail the following:

- The possible adverse impact on the landscape, explaining the contents of the Landscape Visual Impact Assessment submitted by the applicant and how this had been considered against the Council's Supplementary Planning Document on Solar PV Developments in the Landscape (2016).
- The possible adverse impact on the Grade II* listed property - Langford Court and the response received from Historic England and the Conservation officer
- The additional loss of agricultural land, highlighting Paragraph 13 of the NPPG and policies S1, S9 and DM2 of the Local Plan
- In addition, the report also summarised public benefit of the scheme the planning balance- looking at both the benefits and disadvantages of the scheme.

Consideration was given to:

- Concerns with regard to social and economic benefits of the scheme
- Whether there really were employment opportunities for local people
- The responses of Cullompton Town Council
- The lack of analysis of the implications for refusal within the report
- Page 51 of the report which highlighted the reasons for deferral and the removal of 'high grade' from those reasons for deferral
- The lack of a layout plan for the containers and batteries area
- Whether there were any financial contributions to the local parishes as stated on page 55 of the pack
- Whether it was necessary to re-open the discussion on the application when members should be considering the implications report
- The need to include 'adverse impact on the landscape' within reason for refusal 1
- The lack of analysis with regard to the climate issues

It was therefore:

RESOLVED that planning permission be refused on the following grounds:

1. The proposed development due to its scale, location, layout and appearance fails to understand the local visual adverse impact on the landscape and as such is contrary to Policies DM1, DM2 and S9 of the Local Plan and the Council's Supplementary Planning Document (SPD) –Solar PV Developments in the Landscape (2016) and paragraphs 174, 176 and 177 of the National Planning Policy Framework 2021.

2. The proposed development due to its scale, location and appearance would have an unacceptable adverse impact on the setting of the Grade II* Listed Langford Court, contrary to Policies S9 DM2 and DM25 of the local plan and the provisions of paragraph 199, 200 and 202 of the National Planning Policy Framework 2021.
3. The proposed development due to its scale and layout would result in the additional loss of agricultural land contrary to Policies S1 and S9 and DM2 of the Local Plan and paragraph 174 of the National Planning Policy Framework 2021.

(Proposed by Cllr C J Eginton and seconded by Cllr F W Letch)

Notes:

- (i) Cllrs G Barnell, E J Berry, S J Clist, Mrs F J Colthorpe, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from objectors to the application;
- (ii) Cllr R J Dolley declared a personal interest as he knew some of the objectors and others involved in the application;
- (iii) Cllr E J Berry declared a personal interest and he also knew people involved in the application and as the local DCC member for the area;
- (iv) Cllrs E J Berry, Mrs F J Colthorpe, Mrs C P Daw and P J Heal requested that their vote against the final decision be recorded;
- (v) In the event of an appeal, it was agreed that Cllrs G Barnell, C J Eginton and B G J Warren would defend the decision;
- (vi) The following late information was reported:

That the first reason for refusal suggested by amended as follows

1. The proposed development due to its scale, location, layout and appearance fails to understand the local visual context and as such is contrary to Policies DM1, DM2 and S9 of the Local Plan and the Council's Supplementary Planning Document (SPD) –Solar PV Developments in the Landscape (2016) and paragraphs 176 and 177 of the National Planning Policy Framework 2021.

Officers note the contents of Cynthia Chattey's email below and apologise for any misclassification. However, it is considered that the implications report can be read in this context within its relevant section and it would not have changes the argument put forward in the implications report.

Dear Sally and others,

Yesterday I received an invitation to the upcoming planning session, frustratingly falling on Wednesday 22 September when I will be on a work visit to Dubai. I will do my best to attend, but considering I would once again be rearranging my schedule, I would like a level of assurance that the discussion of the solar farm at Langford Court will in fact take place. I have yet to receive a response on my previous email as to the technicalities which prohibited the conversation earlier.

I am rightfully aggrieved at the flagrant and continued MISCLASSIFICATION of UPDATES to Langford Court as a Grade 2 listing (as stated in your invitation letter and in the Implications Report). Grade 2* buildings are particularly important buildings of **more than special interest**. Less than 5.8% of listed buildings are Grade 2*. Considering it is in fact Planning who have oversight of this listing, I am confused as to how this has consistently been quoted wrongly.

It should be reiterated to EVERYONE on the panel and the audience that Langford Court is a Grade 2* (STAR) listing. It is, in fact, the STAR which requires extra sensitivity and consideration in spoiling our outlook and situation. It is that STAR which presents TREMENDOUS COSTS and HURDLES to our family, in our upkeep and maintenance of our HOME in order to meet and comply with council standards as to how it should be maintained. That same STAR should equally protect Langford Court when OTHERS are attempting to encroach on the property.

I would expect future references and documentation, particularly the Implications Report, to be updated to reflect the correct listing information and the level of diligence it should require. I would appreciate your help in incorporating this further complaint into my objection.

Any questions, I'm happy to be reached by reply email.
Thank you,
Cynthia Worley Chattey

Modifications in red -update

1. The proposed development due to its scale, location, layout and appearance fails to understand the local visual context and as such is contrary to Policies DM1, DM2 and S9 of the Local Plan and the Council's Supplementary Planning Document (SPD) –Solar PV Developments in the Landscape (2016) and paragraphs 174, 176 and 177 of the National Planning Policy Framework 2021.

2. The proposed development due to its scale, location and appearance would have an unacceptable adverse impact on the setting of the Grade II* Listed Langford Court, contrary to Policies S9 DM2 and DM25 of the local

plan and the provisions of paragraph 199, 200 and 202 of the National Planning Policy Framework 2021”.

3. The proposed development due to its scale and layout would result in the additional loss of agricultural land contrary to Policies S1 and S9 and DM2 of the Local Plan and paragraph 174 of the National Planning Policy Framework 2021.

- (vii) *Report previously circulated copy attached to minutes.

(The meeting ended at 3.39 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 6 October 2021 at 2.15 pm

Present

Councillors

P J Heal (Chairman)
Mrs F J Colthorpe, G Barnell, S J Clist,
L J Cruwys, Mrs C P Daw, R J Dolley,
C J Eginton, F W Letch and B G J Warren

Apologies

Councillor(s)

E J Berry

Also Present

Councillor(s)

D R Coren and Mrs M E Squires

Present

Officers:

Maria De Leburne (Operations Manager
Legal and Monitoring), Dean Emery
(Corporate Manager for Revenues, Benefits
and Recovery), Myles Joyce (Consultant
Development Management Manager),
Adrian Devereaux (Area Team Leader),
John Millar (Acting Area Team Leader),
Jake Choules (Planning Assistant), Sally
Gabriel (Member Services Manager) and
Carole Oliphant (Member Services Officer)

100 APOLOGIES AND SUBSTITUTE MEMBERS (0.03.09)

Apologies were received from Cllr E J Berry.

101 ELECTION OF VICE CHAIRMAN (0.03.23)

Cllr L J Cruwys was duly elected Vice Chairman of the Planning Committee for the remainder of the municipal year.

102 HYBRID MEETINGS PROTOCOL (0.04.56)

The Committee had before it, and **NOTED**, the *Hybrid Meetings Protocol.

Note: *Protocol previously circulated and attached to the minutes.

103 PUBLIC QUESTION TIME (0.05.23)

1. **Neil Davis**, referring to no 3 on the Plans List, provided a statement which was read out by the Chairman which stated:

In relation to the application 21/00617/FULL. Creedy Park is designated as being on the 'Local Register of Historic Parks and Gardens'. Please could someone from the committee explain what kind of protection, process or consideration is given to this designation when evaluating planning applications within the parkland boundary?

2. **Alan Murray**, again referring to no 3 on the Plans List, stated:

1 The site plan as included in the Committee Report only shows a small indicative rectangle with hatching to indicate the site and not as shown on the Site Location Plan - Revised dated 30/06/21 as submitted by the applicant and posted on to the Public Access list of documents on 15/09/21.

As this plan is extremely misleading can you please ensure that all members receive a copy of this latest correct plan clearly showing the buildings, site area and access track in advance of the meeting?

2 The proposed development is “for an agricultural building relating to the renewable heat installation business section of the applicant’s business.” We understand the applicant’s main business is making cider.

Can you please clarify where the crossing point is between agricultural use and business use and how it affects planning law?

3 Can you please explain why when the ‘Constraint’ of Historic Designed Park or Garden was acknowledged on both the Permitted Development and Full planning applications that Devon Gardens Trust were not consulted on either application?

4 In Section 3 Ecology it is stated that the proposed site area is ‘likely’ less than 0.1 hectare and therefore does not meet the Wildlife Trigger point.

When measured off the applicant’s latest site plan the site area, excluding the access track, measures at 0.2 hectares. Why was this missed?

5 In Sandford Parish Council’s submission it reflected “Concerns from residents at Creedy Park on the creation of heavy agricultural traffic on to the busy Creden to Sandford main road.”

Although the Highways Authority had no comments to make in this matter.

In the applicant’s agent’s email dated 30 July the applicant has listed the machinery intended to be stored on the site, in addition to the storage of biomass etc. This list appears to show about 9 large self powered tractors and mules to be stored inside plus numerous trailers and toppers to be stored outside.

The use of this equipment may be seasonal but must surely have an impact getting onto and off the main road?

104 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.09.46)**

Members were reminded of the need to make declarations where appropriate

105 **MINUTES OF THE PREVIOUS MEETING (0.09.58)**

The minutes of the meeting held on 22nd September were agreed as a true record and duly **SIGNED** by the Chairman

106 **CHAIRMAN'S ANNOUNCEMENTS (0.10.40)**

The Chairman had no announcements to make.

107 **DEFERRALS FROM THE PLANS LIST (0.10.59)**

There were no deferrals from the Plans List.

108 **THE PLANS LIST (0.11.03)**

The Committee considered the applications on the *Plans List

Note: *List previously circulated and attached to the minutes

Applications dealt with without debate.

In accordance with its agreed procedure the Committee identified those applications contained in the Plans List which could be dealt with without debate.

RESOLVED that the following application be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

- a) Application 20/01588/MFUL - Erection of storage building with first floor office (512sqm) following demolition of barn and erection of grain store (498sqm) and change of use of land to car and lorry park at Crediton Milling Co Ltd, Fordton Mill, Crediton*** be approved subject to the conditions as set out in the report

(Proposed by the Chairman)

Reason for the decision: As set out in the report and confirmation that the amended condition detailed in the update sheet was not now required due to a further response from the Environment Agency

Notes:

- i. Cllr S J Clist declared a personal interest as he had conducted business with the applicant in the past
- ii. Cllr G Barnell declared a personal interest as he had visited the site after a fire
- iii. The following late information was provided:

5//10/21

The following response has been received from the Environment Agency – 5th October 2021:

Environment Agency position

Following our previous response (ref. DC/2020/121794/03-L01, dated 13 September 2021), we confirm that we remove our previous objection subject to inclusion of a condition.

Reason

We acknowledge receipt of drawing CMC-001-211 PO1 'PROPOSED NEW BUILDINGS FINISHED FLOOR LEVELS' (dated September 2021) by Kewillijoe Structural Designers which show proposed finished floor levels (FFLs) of the proposed buildings, namely 40.6mAOD (metres above Ordnance Datum) for the proposed 'BARN/OFFICE' and 40.1mAOD for the proposed 'GRAIN STORE' and thus a comital to provide floor levels above existing ground levels. If in the event the above FFL's cannot be achieved then a limited reduction of 300mm below the above would still ensure that in overall terms the requirements of the National Planning Policy Framework (NPPF) would be met.

Condition requirement and reasoning

We use this opportunity to inform all relevant parties that the area of the proposed car/lorry parking as shown on drawing CMC-001-212 PO1 'PROPOSED NEW PARKING LAYOUT CARS AND LORRIES' (dated September 2020) by Kewillijoe Structural Designers would be on an area of functional floodplain, this area being on the cusp of flooding in the relatively minor flood of November 2012. Therefore, it is vitally important that the functionality of this area is not compromised by the development for which permission is sought. Any raising of ground levels in the proposed car park area, and/or associated landscaping, would increase flood risk locally, including the Mill complex and such is contrary to policy within the NPPF and would be unacceptable.

The suggested wording for our recommended condition is set out below.

Condition

No development approved by this permission shall commence until such time that the applicant has submitted, and the planning authority approved in writing, details of the undeveloped and proposed levels of the car/lorry park area as shown on drawing CMC-001-212 PO1 'PROPOSED NEW PARKING LAYOUT CARS AND LORRIES' (dated September 2020) by Kewillijoe Structural Designers, and any associated landscaping.

Reason

To prevent a loss of functionality of this area of floodplain thus ensuring the proposal would not increase flood risk elsewhere.

b) Application 21/00855/FULL - Erection of a workshop and store for woodland and land management at Posbury Clump, Posbury, Devon.

The Area Team Leader outlined the application by way of a presentation highlighting site location plan, block plan, floor plans, elevations, aerial photographs and photographs of the site.

The Officer explained that Natural England was satisfied that the development was unlikely to impact on the Site of Special Scientific Interest (SSSI) and that the County Ecologist had raised no objections. A woodland management plan had been

provided and the building would have no detrimental effect on neighbouring properties.

Consideration was given to:

- The objectors statement which included that the application was recreational, was not justified, ran contrary to the National Planning Policy Framework, there was no legal protection for the woodland and the application concerned a SSSI
- The agents statement which included that the officers had provided clear recommendations and that none of the statutory consultees had raised any objections and the application had Parish Council support. Natural England welcomed the application and the proposed building was distant from the ecological site. The client was proud to be the custodian of the site.
- The Ward Members statement that he was asked to call in the application by an objector but he would not speak for or against the application
- Historic England were not consulted because they were not a statutory consultee but Natural England were and they had been consulted and had raised no objections
- The officers view that the dark forest conditions could be enforced.

RESOLVED that planning permission be granted as per the Interim Planning Development Management Manager subject to conditions as set out in the report

(Proposed by Cllr R J Dolley and seconded by Cllr L J Cruwys)

Reason for the decision: As set out in the report

Notes:

- i. Cllr F W Letch declared a personal interest as he had attended a Parish Council meeting where the application was discussed
- ii. Cllrs Mrs F J Colthorpe, G Barnell, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from objectors to the application
- iii. Cllr S J Clist requested that his vote against the decision be recorded
- iv. Simon Ford provided a written as the objector which was read out by the Chairman
- v. Duncan Hartley spoke as the agent
- vi. Cllr D Coren spoke as the Ward Member

c) Application 21/00617/FULL - Erection of a general purpose agricultural building at Land at NGR 282822 101624 (Creedy Park), Crediton, Devon

The Area Team Leader outlined the application by way of a presentation highlighting the site plan, elevations, floor plan and photographs to and from the site.

The officer explained that Creedy Park was an historic park and that a previous application to build a smaller agricultural building had been granted under permitted

development. The new application consisted of a building which was larger than permitted development allowed.

It was understood that the farm holding comprised of 114 acres. It was clarified that 40 acres were owned by the application whilst the remainder were rented. Part of the enterprise included providing logs for a biomass boiler relating to the wider enterprise. The building was proposed to store the logs to ensure that they remained dry, which was a legal requirement of the business. This was therefore considered a reasonably necessary function for an agricultural building in order to support the farming enterprise.

The officer confirmed that both Devon Garden's Trust and the Council's Conservation Officer had raised concern over the proposals with the Conservation Officer also noting that a heritage statement should have been provided to allow for the full assessment to the impact on the heritage asset of the Park. The Devon Gardens Trust had also raised concern to the proposed landscaping which would impact upon the openness of the parkland.

He explained that the officer recommendation was that of refusal because the Local Planning Authority was of the opinion that by means of its scale, siting and design, the proposed building was unacceptable for this countryside location within the sensitive historic setting of Creedy Park which was on the local list for Historic Park and Garden. Insufficient information had also been submitted to assess the potential harm to the two nearby listed buildings currently known as Kerswell Cottage and West Lodge. Therefore the proposal was considered to harm the character of the area without sufficient justification for the development. The proposed development was therefore considered to be contrary to policies S14, DM1, DM20 and DM25 of the Mid Devon Local Plan (2013-2033).

In response to questions asked at public question time the officer provided the following responses:

- Creedy Park was on the local register for parks and gardens not the national list like Shobrooke Park but it is of local and regional importance. National Planning Policy Framework states that non designated heritage assets 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or non-directly that effect non designated heritage assets a balanced judgement will be required having regard to the scale of any harm or loss of any significance to the heritage asset. Local Planning Authorities should not permit the loss of the whole or part of a heritage asset without taking reasonable steps to ensure that the new development will proceed after the loss has occurred'
- The correct plans had been included within the presentation
- Section 336 of the Town and Country Planning Act 1990 defines 'agriculture' as including: 'horticulture, fruit growing, seed growing, dairy farming; the breeding and keeping of livestock. Therefore, cider making is considered to fall within this definition. It is understood that the renewable energy is used to support the farming/cider making enterprise, however, the LPA did not find that this justification was sufficient with regard to policy DM20 hence recommending refusal for this application. It should be noted that this is a full planning application rather than a prior notification where the case needs to be

made that the building is reasonably necessary for the purposes of agriculture whereas under a full planning application alternative countryside uses can be considered.

- There is no requirement to consult on the prior notification applications. As for the application before committee, Devon Gardens Trust and the Conservation Officer were consulted and their comments have been considered.
- If an application is greater than 0.1 hectares, it is down to the LPA to be 'reasonably certain that there will be no impact on protected or priority habitats and species' before requesting an ecology appraisal. The area for the building and access comes to approx. 800sqm so under 0.1ha. However, the red line on the plan includes the hedgerow etc which takes it over 0.1ha. It should also be noted that the access was approved under a prior notification. We therefore do not consider that the erection of a new building will have a significant impact on such species and we are consistent with this approach for other agricultural buildings.
- It was considered that such farm machinery was likely to be already used by the holding and the erection of a further building to store the machinery would not significantly increase traffic movements to justify this being included as a reason for refusal

Consideration was given to:

- The objectors statement which included that she had lived at West Lodge for 20 years and it was grade II listed, the park was grazing parkland and the statutory consultees had objected. She had spoken to a majority of residents and they welcomed the officers recommendation
- The applicants statement which included the need to store machinery and wood on their own land, that they owned Sandford Cider and were the only residents who made a living from the site, that if refused they would go ahead with the previous permission which had been granted and there it was a choice between 2 barns on the site and he urged Members to pick to barn the business needed
- The views of the Ward Member who stated that 'Creedy Park is a historic and natural asset for Sandford and surrounding areas. This asset is also — or should also — be a constraint when it comes to planning applications. I believe it is for full planning applications, but unfortunately not for permitted developments. A heritage impact assessment should have been submitted, and the Devon Gardens Trust should have been consulted. Indeed, they see it as a serious concern that they weren't. There are trees and habitats in the park that are of a unique and important significance, and these have not been properly taken into account. Kerswell Cottage and West Lodge are Grade II listed buildings, and their proximity to the proposed building will cause them (and others) a detrimental visual impact. Many residents are worried too about a potential increase in heavy traffic, over what is a privately-maintained drive. There are options for places to build a new agricultural building in the area, but Creedy Park shouldn't be one of them. I therefore support the refusal recommendation."
- The views of the second Ward Member who stated that if Members were minded to refuse that they ask for a site visit as the current application was in a different position to the permitted development. She had heard what the applicant had to say and that the storage capacity would be for hay, apples

and wood. She did not think that the impact was that bad and she understood why the applicant had applied for a bigger building

- Confirmation that approval would not result in two barns on the site as the application sat over the plans for the permitted development
- Confirmation that the applicants agent had been asked to provide a heritage statement so that the conservation officer could assess the impact of the development but as this had not been provided they could not support the application
- Members views that the although they wanted to protect the countryside there was already a pre notification and the new application was out of site and supported the expansion of a local business
- Members views that the park was not openly accessible to the general public and if they could not enjoy the views how would the application impact them
- Members views that they were encouraged that a new Devon Bank would be provided
- Members views that the application would have less of an impact than the permitted development
- Members views that the applications benefit of supporting a local rural business outweighed the harm to the views from the site
- Members view that the Highways Authority had no concerns with regards to increased traffic movements.

RESOLVED that planning permission be granted and delegated authority be given to the Interim Planning Development Management Manager to apply appropriate conditions to include:

1. A condition which would ensure that the building was lowered into the ground as much as practical

(Proposed by Cllr Mrs F J Colthorpe and seconded by Cllr G Barnell)

Reasons for the decision:

1. The application would create less of an impact than that which had prior notification and would therefore be built. There would be a reduction of impact on the park and the amenity of those who could see it; and
2. The application was developing a legitimate business and creating employment in the rural area and was compliant with local policies

Notes:

- i. Cllr F W Letch declared a personal interest as he knew the applicant
- ii. Cllrs Mrs F J Colthorpe, G Barnell, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from objectors to the application
- iii. Cllr R J Dolley requested that his vote against the decision be recorded
- iv. Jo Poulton spoke as the objector
- v. Barney Butterfield spoke as the applicant
- vi. Cllr Mrs M E Squires spoke as Ward Member

- vii. Cllr Mrs E Lloyd provided a statement as Ward Member which was read out by the Chairman
- viii. The following late information was provided:

21/00617/FULL - Erection of a general purpose agricultural building - Land at NGR 282822 101624 (Creedy Park) Crediton Devon.

29/09/21

'The Parish Council's comments have been updated, adding a paragraph that reads: "We feel that agricultural buildings within the park detracts from the beauty of the parkland. Traditionally all farming buildings were outside the park the only agricultural activities within the park were grazing and hay making."

5th October

Devon Gardens Trust understands that the above application, to which we submitted a written objection on 23rd April 2021, is to be considered by the Members of the Planning Committee on 6th October.

We would like to take this opportunity to confirm that our assessment and advice with regard to this application remains unchanged, and that we maintain our objection for the reasons set out in our previous letter:

- The visual intrusion of a large agricultural building within the otherwise open parkland landscape, to the detriment and damage of its special historic interest and character;
 - The permanent fragmentation and sub-division of the parkland by the introduction of a solid barrier in the form of a Devon hedge bank.
- We note that the applicant still does not appear to have provided the appropriate historic impact assessment. We would advise that without such information, your Authority is not in a position properly to determine this application, and we continue to advise that the proposed development would have a significant adverse impact upon the historic designed landscape of Creedy Park, which is included on the Devon Gazetteer of landscapes of regional and local significance, and which forms the designed setting of Creedy House (Listed Grade II), and which relates to, and forms the designed setting of, several other Listed structures.

We would commend the Officer's Report which accompanies this application to the close attention of members, and respectfully ask them to endorse the recommendation to refuse this adverse proposal.

We would be grateful if you could kindly confirm to the Elected Members the position of Devon Gardens Trust with regard to this application.

d) Application 21/00191/FULL - Conversion of outbuilding to holiday let and siting of 2 holiday cabins at Land at NGR 290204 109476 (Home Farm), Cadeleigh, Devon.

The Interim Area Team Leader outlined the application by way of a presentation highlighting the site plan, site location, block plan, elevations, holiday cabins and existing buildings

The officer explained that the proposed new building were tucked out of view and a number of objections had been received with regard to highways, justification and visual impact.

He confirmed that there had been no objections raised from the Highways Authority and that after a site visit to the applicant the Economic Development officer was satisfied with the scheme and had withdrawn their initial objections.

Consideration was given to:

- The objectors statement which included that he farmed directly next door and that the proposal was unpopular in the village. The access was unauthorised and if the Members approved the scheme they were condoning an offence, that the road network could not support the extra traffic and this was a threat to public safety. There was a direct threat to livestock as town trained dogs were not suitable in the countryside and that there were too many holiday lets in the area
- The agents statement which included that his client was experienced in holiday lets and the scheme had able bodied and disabled in mind. The lodges were luxury and the visual impact had been thought about, the site was not visible from the road or from neighbouring properties. His client had taken on board comments from objectors, some of which had been offensive
- Cadeleigh Parish Meeting statement which included that the application would turn the field into a hotel and the Parish did not want a hotel. The existing timber shed was only put up to be converted later on and that the applicant was not really a farmer
- The Ward Member statement which included that he was asked to call in the application by objectors concerned about visual impact and traffic concerns. He confirmed that the cabins had been moved after consultation with planning officers and he thought it caused less harm to the surrounding area. He felt that the increased traffic movements would be minimal and the offering would be high class.
- Confirmation that the extension to the existing building and access appeared to have been completed without consent but they did not form part of the application in front of Members today and that future enforcement action may need to be taken to rectify any issues
- Confirmation that the holiday lets could be used all year round and that they were going to be dog friendly not dog targeted
- The officers confirmation that Policy DM22 was a permissive policy and did not prevent development in rural locations and holiday lets tended to be in rural areas and not next to settlements.
- Confirmation from the Legal Team Leader that objectors comments about illegal development on the site were not relevant to the application in front of Members and could not be used to influence a decision
- Members views that if holiday makers were looking to get away from it all then this was the place
- Members noted that no objections had been upheld by the Economic Development Team or the Highways Authority

RESOLVED that planning permission be granted as per the Interim Planning Development Management Manager subject to conditions as set out in the report

(Proposed by Cllr Mrs F J Colthorpe and seconded by Cllr Mrs C P Daw)

Reason for the decision: As set out in the report

Notes:

- i. Cllrs Mrs F J Colthorpe, G Barnell, S J Clist, L J Cruwys, Mrs C P Daw, R J Dolley, C J Eginton, P J Heal, F W Letch and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence from objectors to the application
- ii. Cllr C J Eginton requested that his abstention from voting was recorded
- iii. Mark Ravnkilde spoke as the objector
- iv. Simon Archer spoke as the agent
- v. Mr Gough spoke for Cadeleigh Parish Meeting
- vi. Cllr R M Deed provided a statement as Ward Member which was read out by the Chairman

109 MAJOR APPLICATIONS WITH NO DECISION (02.21.26)

The Committee had before it, and **NOTED**, a *list of major applications with no decision

It was **AGREED** that: Application 21/01754/MARM Reserved matters for residential development of 125 dwellings (including 35% affordable housing), with public open space, landscaping and associated infrastructure following outline approval 18/00175/MOUT - Land at NGR 303288 110467 Adj Meadow Park Silver Street Willand Devon be brought to Committee and no site visit was required

Note: *list previously circulated and attached to the minutes

110 APPEAL DECISIONS (02.24.00)

The Committee had before it and **NOTED** a list of appeal decisions * providing information on the outcome of recent planning appeals.

Note: *List previously circulated; copy attached to minutes.

(The meeting ended at 4.40 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 13 October 2021 at 6.00 pm

Present

Councillors

C J Eginton (Chairman)
R M Deed, Mrs F J Colthorpe, C R Slade,
Mrs M E Squires, L D Taylor, Mrs N Woollatt
and A Wyer

Also Present

Councillor(s)

Mrs C P Daw, S J Penny and B G J Warren

Also Present

Officer(s):

Karen Trickey (District Solicitor and Monitoring Officer),
Carole Oliphant (Member Services Officer) and Sally
Gabriel (Member Services Manager)

Also in

Attendance:

John Smith (Independent Person)

15 APOLOGIES AND SUBSTITUTE MEMBERS (00-03-38)

Apologies were received from Rob Jeanes (Independent Person).

16 PROTOCOL FOR HYBRID MEETINGS (00-03-47)

The protocol for hybrid meetings was noted.

17 PUBLIC QUESTION TIME (00-03-59)

There were no questions from members of the public present.

18 MINUTES (00-04-17)

The minutes of the previous meeting were approved as a true record and signed by the Chairman.

19 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-05-13)

Members were reminded of the need to make declarations of interest when necessary.

20 CHAIRMAN'S ANNOUNCEMENTS (00-05-36)

The Chairman welcomed Karen Trickey (District Solicitor and Monitoring Officer) to her first meeting of the committee.

21 **MODEL CODE OF CONDUCT (00-05-57)**

The Committee had before it the *notes of the Standards Working Group meeting which was held on 15 September together with a draft Code of Conduct that was created following that meeting for consideration..

The District Solicitor (Monitoring Officer) informed the meeting that the working group had considered whether to adopt the Model Code together with the guidance provided by the Local Government Association or keep with the original code or whether a compromise could be reached by amending the existing code. She had provided the meeting with a draft amended code and drew attention to amendments in line with the model code, that of an increase in the limit of any gifts and hospitality to £50 and a cross reference to the guidance with regard to non disclosable pecuniary interests.

Consideration was given to:

- The need to not over complicate the code as it was hoped that the Mid Devon code would be adopted by the Parish Councils
- The amended version of the existing code would fit with other tiers of Local Government
- Whether the Model Code would be easier for all tiers of Local Government to follow
- The need to review the adopted Code on a regular basis (particularly in view of any change to the legislation)

It was therefore:

RECOMMENDED to Council that the existing Code of Conduct (as amended) be adopted.

(Proposed by the Chairman)

Note: *Notes and draft Code previously circulated copy attached to minutes.

22 **OUTCOMES OF THE GOVERNANCE REVIEW (00-14-34)**

The Committee considered issues raised within the Governance Review in particular the membership of the Audit Committee and the outcome of any discussions from the Programming Panel meeting.

The Audit Committee at its meeting on 21 September 2021 had made the following recommendation:

That it is recommended to the Standards Committee that it consider increasing the Audit Committee size from a membership of 7 to a membership of 9 (in line with the membership of the Policy Development Groups).

The Programming Panel had met on 20 September 2021 and made no recommendations to the committee.

The Chairman invited the Chairman of the Audit Committee to address the meeting: Cllr S Penny requested that the membership of the Audit Committee be increased from 7 to 9 as the committee had a heavy workload, much of which was legally required to be completed on an annual basis, it was one of the smallest committee's in terms of size yet had significant responsibility and was technical in nature and training was required before any member could sit.

Consideration was given to:

- Members needed to understand the role and remit of the committee
- The need for the Committee to be politically balanced
- There was no need for members to have a financial background to sit on the committee, but there was a need to have an understanding of the remit, the right mindset and for Members to be prepared to ask appropriate questions of the officers
- The need for members of the committee to be specifically trained
- The need for any increase in membership to take place from the Annual Meeting in May 2022 which would allow any additional members to receive the required training.

It was therefore:

RECOMMENDED to Council that the membership of the Audit Committee be increased from 7 to 9 to take effect from May 2022 subject to all Committee Members and substitutes receiving the relevant training and that the Constitution be amended accordingly from that date.

(Proposed by the Chairman)

Further consideration was also given to the other outcomes of the Governance Review in particular the work of the Policy Development Groups (PDGs) and the Scrutiny Committee; the meeting was informed that the PDGs and the Scrutiny Committee had all held informal workshops and had considered their work plans, regular items such as Performance and Risk and Financial Monitoring and items to be noted had been removed from agendas and the need for each PDG to develop policy had been considered.

The Chairman of the Scrutiny Committee stated that the Programming Panel meeting had been effective and that all the current Chairmen were keen to work together.

23 **STANDARDS - UPDATE TRAINING (00-38-25)**

The District Solicitor (Monitoring officer) stated that the Committee was under an obligation to promote and maintain high standards of conduct amongst all the Council's members and that regular training was good practice. As an amended Code of Conduct had been considered earlier in the meeting this was an opportunity to run refresher training. She suggested specific themes involving and engaging with officers and that small in person workshops could take place.

Consideration was given to:

- That any training should involve all of the membership of the Council

- There was a need for interactive, interesting sessions to draw members to the training.
- The involvement of the Independent Persons in the training sessions

RESOLVED that the Committee support the implementation of training with regard to ethical standards and that it was the expectation that all members of the Council attend training when invited to do so.

(Proposed by Cllr C R Slade and seconded by Cllr R M Deed)

Note: Cllr Mrs F J Colthorpe requested that her abstention from voting be recorded.

24 COMPLAINTS

The Chairman indicated that discussion with regard to this item, may require the Committee to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Committee would need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 respectively of Part 1 of Schedule 12A of the Act, namely information relating to an individual

(Proposed by the Chairman)

The Committee considered information from the District Solicitor (Monitoring Officer) with regard to complaints before returning to open session.

25 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (00-52-12)

It was suggested that the following items be added to the agenda for the next meeting of the Committee to be held in February 2022:

- To consider the complaints process and whether a shortened, clearer process could be created
- Complaints update
- Training update.

(The meeting ended at 6.55 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS WORKING GROUP** held on 15 September 2021 at 6.00 pm

Present Councillors

C J Eginton, L D Taylor and
Mrs F J Colthorpe

Also in attendance

John Smith (IP)

Also Present Officer(s):

Maria De Leiburne (Operations Manager Legal and Monitoring), Karen Trickey (District Solicitor) and Sally Gabriel (Member Services Manager)

1 APOLOGIES

Apologies were received from Rob Jeanes (IP).

2 INTRODUCTIONS

Those in attendance introduced themselves.

3 MODEL CODE OF CONDUCT

The Chairman outlined the remit of the working group stating that the Standards Committee had requested that the Group consider the new Model Code of Conduct alongside the guidance issued by the Local Government Association. In deciding whether to change to the Model Code/adapt the existing Code the Group were requested to approach the matter considering the following:

- MDDC's duty to promote and maintain high standards;
- What, if any issues has the Council experienced in terms of standards; and;
- The advantages / disadvantages of each option

The following documents had been circulated to the group for consideration:

- Options paper
- MDDC's current Code of Conduct
- Model Code of Conduct
- Guidance – hard copy previously circulated.

The Group considered each option in turn and provided their views.

Options for the Working Group to consider:	Advantage of each option?	Disadvantage of each option?
Adopt the LGA Code in its entirety	<p>It reflects independent and nationally recommended standards which are more comprehensive than MDDC Code.</p> <p>The Code will be interpreted in line with the LGA Guide published in July 2021.</p>	<p>Too complicated; unnecessarily long?</p> <p>Might cause confusion as Model Code includes a mix of requirements and guidance notes, particularly given there is a separate LGA Guide.</p> <p>What are the implications for parish / town councils in the district e.g. will they want to adopt the same Code as MDDC and if so, is the Model Code and Guidance too cumbersome?</p>

Concerns were raised with regard to:

- Whether the Model Code was over complicated for small parish councils if the Council were to encourage adoption of the Model Code across the whole district.
- The availability of the guidance alongside the Model Code was felt to provide a comprehensive package
- The need to encourage members of the public to take up the role of parish Councillors and whether such a complicated code would be off putting.
- The need to have a Code that could to be adopted across the whole district, so that when dealing with any complaints, all of the codes would be the same.
- The Model Code gave more information and examples backed up with excellent guidance and that this may reduce the number of complaints.

Options for the Working Group to consider:	Advantage of each option?	Disadvantage of each option?
Stick to the MDDC Code	<p>Clear, simple; and well established at MDDC.</p> <p>Worked well, in line with duty to promote and maintain high standards?</p> <p>Key provisions (e.g. respect, bullying / intimidation, confidentiality, disrespect, not advantaging / disadvantaging others) already included – therefore no need to change.</p> <p>Legislation has not changed. Could therefore keep under review (in next year) and wait to see what</p>	<p>Existing MDDC Code doesn't have national / independent 'stamp of approval'</p> <p>Not as comprehensive as LGA Code particularly regarding interests. MDDC Code interest rules limited to DPIs despite prohibition against improperly using position to advantage / disadvantage another (the latter of which can serve to prevent members taking part in decision making where they have non DPI interests).</p>

	<p>changes are made in law in future (e.g. to DPI rules / sanctions for breaches of the Code).</p> <p>Specific provisions on pre determination & DPI and other registerable interests already exist in MDDC code and predetermination is not in the Model Code</p>	
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Consideration was given to:

- How often councillors actually read the existing Code and that the majority of the Code referred to declarations of interest whereas the Model Code did draw attention to good behaviour
- The Model Code referred to other registered interests and that MDDC Members were used to declaring personal interests

Options for the Working Group to consider:	Advantage of each option?	Disadvantage of each option?
Update the MDDC Code to include some / all of the key provisions in the LGA Code	<p>Provides opportunity to develop existing Code without making Code unduly long / complicated?</p> <p>Could expand rules regarding interests without simply following all parts of Model Code (e.g. declare 'other non DPI interests' and not participate where financial position / wellbeing affected to a greater extent than majority of others in the ward and persons knowing facts would think Cllr judgement might be clouded).</p>	LGA Guide won't correspond with MDDC revised code so may cause confusion (so will need to produce a bespoke MDDC Guide taking account of LGA Guide)?

Consideration was given to:

- Whether creating guidance for the existing code would be laborious
- The need for members to have the choice to declare a personal interest as that is what they were used to doing
- The implications of using the other registered interest clause which may require members who declare such an interest to leave the room (in certain circumstances) and not vote and the impact of this on a quorum
- Whether some middle ground could be reached
- That it was a member's decision to declare an interest and not the responsibility of others to remind them or to encourage them to declare
- The need for members to gain advice on any declaration they were unsure of and if the political balance of the meeting was affected then the issue of dispensation could be considered

4 **NEXT STEPS**

The next steps were then considered and discussion took place with regard to whether the existing Code was working and therefore there was no need to change the rules for interests and that parts of the guidance could be used to support the original code.

Some of those present were reluctant to support the Model Code in full, whilst others felt that the Model Code was 'ready made'. However it was felt that there was no mention of personal interests in the Model Code and therefore would it be better to adapt the existing code and bring in guidance where it was applicable.

It was **AGREED** that the considerations of the Working Group (rather than recommendations) be provided to the Standards Committee alongside a draft paper for further consideration.

(The meeting ended at 6.53 pm)

CHAIRMAN

DRAFT ONLY – CHANGES SHOWN IN ITALICS / CROSSED THROUGH

**CODE OF CONDUCT FOR COUNCILLORS
AND CO-OPTED MEMBERS**

1. Introduction and Interpretation

- 1.1 This Code came into effect on February 2016 and *was reviewed in [October 2021]. It applies to you only when acting in your capacity either as a Councillor or Co-opted (voting) Member of the Council or its Committees and Sub-committees. This covers situations where you are not only actually acting in such capacity but also where you would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor or co-opted member, or otherwise are misusing your position as a councillor or co-opted member.*

1.2 The Nolan Principles

It is your responsibility to comply with the provisions of this Code. *These provisions are compatible with the Seven Principles of Public Life otherwise known as the Nolan Principles. Compliance with the Code will not only help ensure you adhere to the Nolan Principles, it which will assist the Council in meeting its statutory obligation to promote and maintain high standards of conduct by its Councillors and Co-opted Members in accordance with the following principles:*

- **Selflessness** - Holders of public office should act solely in terms of the public interest.
- **Integrity** - Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.
- **Objectivity** - Holders of public office must act and take decisions impartially fairly and on merit using the best evidence and without discrimination or bias.
- **Accountability** - Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- **Openness** - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

- **Honesty** - Holders of public office should be truthful.
- **Leadership** - Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

2. DPIs

1.3 2.4 In this Code:-

A disclosable pecuniary interest ("**DPI**") is an interest within the prescribed descriptions set out below that you have personally, or is an interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners; and you are aware that that other person has the interest:

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a Member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate Tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.

<i>Subject</i>	<i>Prescribed description</i>
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the Committee of management of an industrial and provident society;

“land” includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a Member of a relevant authority;

“Member” includes a Co-opted Member;

“relevant authority” means the authority of which M is a Member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31 (7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

“meeting” means any meeting of:-

- (a) the Council;
- (b) the Executive of the Council;
- (c) any of the Council's or its Executive's Committees, Sub-committees, joint committees, joint Sub-committees or area committees, including any site visit authorised by the Council, the Executive or any of the aforementioned Committees.

1.4 *In addition, in this Code reference is made to:*

“ORIs” which means Other Registrable Interests. These are types of Personal Interests which should also be recorded in the Register of Interests and are listed as “7. Personal Interests” in the Interests Form.¹

“Personal Interests” means all interests which are not DPs but which may reasonably be viewed by a member of the public as giving rise to a conflict of interest. They include ORIs but are not limited to such. Please see Section 6 of this Code.

1.5 ~~2.2~~ This Code does not cover matters in respect of which the Localism Act 2011 specifically provides that criminal sanctions will apply.

1.6 ~~2.3~~ A failure of a Councillor or Co-opted Member to comply with this Code is not to be dealt with otherwise than in accordance with arrangements approved by the Council under which allegations of such failure can be investigated and decisions on such allegations can be made. In particular, a decision is not invalidated just because something that occurred in the process of making the decision involved a failure by a Councillor or Co-opted Member to comply with the Code.

1.7 *Guidance on the provisions of the Code is included in the footnotes to this Code. In addition in interpreting this Code, reference may be made to relevant parts of the Local Government Association Guide on its Model Councillor Code of Conduct as that model includes similar provisions to those contained within the Council's Code of Conduct.²*

2 3. General Obligations

2.1 ~~3.1~~ You must treat others with respect.

2.2 ~~3.2~~ You must not:-

¹ These include for example your membership of any body which you have been appointed by the District Council and membership of any other body exercising functions of a public nature.

² The LGA published a guide in July 2021 which is available at <https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct> and will be updated from time to time. It provides useful guidance on key provisions in the Code which are particularly relevant to Sections 2 to 7 of this Code and how it applies in practice.

- (a) do anything which may cause the Council to breach any of the equality enactments;
- (b) bully or harass any person;³
- (c) intimidate or attempt to intimidate any person who is or is likely to be:-
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,
 in relation to an allegation that a Councillor or Co-opted Member (including yourself) has failed to comply with this code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

2.3 3.3 You must not:-

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:-
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the Council; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

2.4 3.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute, or in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Councillors and Co-opted Members.

2.5 3.5 You:-

- (a) must not use or attempt to use your position as a Councillor or Co-opted Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

³ "Bullying" may be characterised as offensive, intimidating, malicious or insulting behaviour or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone. "Harassment" may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

- (b) must, when using or authorising the use by others of the Council's resources:-
 - (i) act in accordance with the Council's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

2.6 3-6 When reaching decisions on any matter you must have regard to any relevant advice provided to you by the Council's Chief Finance Officer or Monitoring Officer where that Officer is acting pursuant to their statutory duties.

2.7 3-7 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

3 4. Predetermination

3.1 4-1 Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as a Councillor.

3.2 4-2 However you should not place yourself under any financial or other obligation to outside organisations that might seek to influence you in the performance of your official duties.

3.3 4-3 When making decisions you must consider the matter with an open mind and on the facts before the meeting at which the decision is to be made.

3.4 4-4 If a Councillor considers that they could be biased or they have predetermined their position to a decision, he or she should disclose this and should not take part in the decision making process whenever it becomes apparent that the matter is being considered.

4 5. Registration of *DPIs and ORIs*

4.1 5-1 The Monitoring Officer must, by law, establish and maintain a register of interests, open for inspection by the public at the Council's offices and publicly accessible on our website:

<https://democracy.middevon.gov.uk/mgMemberIndex.aspx?bcr=1>

4.2 5-2 You must, before the end of 28 days beginning with the day on which you became a Councillor or Co-opted Member of the Council, notify the Monitoring Officer of *the following interests which will then be entered onto that public Register of Member Interests*:

- (a) any DPIs which you have at the time when the notification is given. You should be aware that these interests include those of your spouse or civil partner, a person with whom you are living as husband or wife or a person with whom you are living as if they were a civil partner so far as you are aware of the interests of that person.

and

- (b) any ORIs which you have at the time when the notification is given. Unlike DPIs these interests do not include those of your spouse or civil partner.

4.3 5.3 Where you become a Councillor or Co-opted Member of the Council as a result of re-election or re-appointment, paragraph 4.2 5.2 applies only as regards ~~disclosable pecuniary~~ interests not entered in the register when the notification is given.

5 6. Participation with a DPI

5.1 6.1 Subject to paragraphs 8.1 to 8.4 (*dispensations*), if you are present at any meeting and you are aware that you have a DPI in any matter that will be, or is being, considered at that meeting, you must, irrespective of whether that interest has been registered:

- (a) disclose the nature of the interest to the meeting (or, if it is a sensitive interest as described in paragraph 9 below, disclose merely the fact that it is a DPI);
- (b) not participate in any discussion or vote regarding that matter; and
- (c) withdraw immediately from the room or chamber (including the public gallery) where the meeting considering that matter is being held.

Where you have not previously notified the Monitoring Officer of that DPI you must do so within 28 days of the date of the meeting at which it became apparent.

5.2 6.2 Subject to paragraphs 8.1 to 8.4 (*dispensations*), if you are aware that you have a DPI in any matter on which either:

- (a) you are authorised to make decisions, or
- (b) you are consulted by an Officer discharging powers delegated to them,

you must not, in relation to (a) above, take any decision on that matter or, in relation to (b) above, participate in any consultation with such Officer in respect of that matter.

Where you have not previously notified the Monitoring Officer of that DPI you must do so within 28 days of the date on which it became apparent.

5.3 6.3 You may participate in any business of the Council where that business relates to the Council's functions in respect of:-

- (a) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
- (b) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full-time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (d) an allowance, payment or indemnity given to Councillors or Co-opted Members
- (e) any ceremonial honour given to Councillors; and
- (f) setting Council Tax or a precept under the Local Government Finance Act 1992.

6. **Participation with any other interests**

- 6.1 *In the case of interests other than DPIs (which include but are not limited to ORIs), if you are present at any meeting and you are aware that you have a Personal Interest⁴ in any matter that will be, or is being, considered at that meeting, you must, irrespective of whether that interest has been registered disclose the nature of the interest to the meeting (or, if it is a Sensitive Interest as described in paragraph 9 below, disclose merely the fact that it is a personal interest).*
- 6.2 *In deciding whether it is appropriate for you to still participate in the discussion or voting on the matter, you should note that in accordance with paragraph 2.5(a) of this Code, you “must not use or attempt to use your position as a Councillor or Co-opted Member **improperly** to confer on or secure for yourself or any other person, an advantage or disadvantage”.*

7. **Gifts and Hospitality**

- 7.1 As a Councillor or Co-opted Member of the Council you must avoid accepting any gift, hospitality or other favour which could give the impression of compromising your integrity, honesty or objectivity. In particular, you
- (a) should avoid any behaviour which might reasonably be seen as motivated by personal gain;
 - (b) should exercise caution in accepting any gifts or hospitality which are (or which you might reasonably believe to be) offered to you because you are a Councillor or Co-opted Member;

⁴ A Personal Interest might include for example interests of your relatives or close associates or ones which don't otherwise fall within the definition of a DPI, but which nevertheless taking account of all the facts could reasonably be viewed as creating a conflict of interest and for which your participation would not be in the wider public interest.

- (c) should never accept significant gifts or hospitality (i.e. anything with a value of ~~£25~~ 50 or more) from suppliers or contractors seeking to acquire or develop business with the Council; and
- (d) must, within 28 days of receipt or acceptance, notify the Monitoring Officer of any gift you receive or hospitality you accept (of a value of ~~£25~~ 50 or more).

8. Dispensations

- 8.1 A Councillor or Co-opted Member with a DPI *or any other interest* in a matter may submit a written request to the Monitoring Officer for the grant of a dispensation allowing that Councillor or Co-opted Member to participate in any discussion and/or vote on that matter at a meeting.
- 8.2 The Monitoring Officer may, after having had regard to all relevant circumstances, grant a dispensation to the Councillor or Co-opted Member only if, he considers that without the dispensation:
 - (a) the number of persons prohibited from participating in any particular business in relation to the matter would be so great a proportion of the body transacting the business as to impede the transaction of that business, or
 - (b) considers that without the dispensation each Member of the Executive would be prohibited from participating in any particular business to be transacted by the Executive in relation to the matter.
- 8.3 The Standards Committee may, after having had regard to all relevant circumstances, grant a dispensation to the Councillor or Co-opted Member only if, the Committee considers that:
 - (a) without the dispensation the representation of different political groups on the body transacting the particular business would be so upset as to alter the likely outcome of any vote relating to that business, or
 - (b) granting the dispensation is in the interests of persons living in the District, or
 - (c) it is otherwise appropriate to grant the dispensation.
- 8.4 Any dispensation granted must specify the period for which it has effect, and the period specified may not exceed four years.

9. Sensitive Information

- 9.1 Paragraphs 9.2 and 9.3 apply where:
 - (a) a Councillor or Co-opted Member of the Council has an interest (whether or not a DPI), and
 - (b) the nature of the interest is such that the Councillor or Co-opted Member, and the Monitoring Officer, consider that disclosure of the details of the interest could lead to the Councillor or Co-opted Member,

or a person connected with that Councillor or Co-opted Member, being subject to violence or intimidation.

9.2 If the interest is entered in the Register of Interests, copies of the register that are made available for inspection, and any version of the register published on the Council's website, must not include details of the interest (but may state that the Councillor or Co-opted Member has an interest the details of which are withheld under this provision of the Code).

9.3 Where ~~an-disclosable-pecuniary~~ interest is not entered on the Register of Interests and would otherwise require disclosure at a meeting, the Councillor or Co-opted Member shall be entitled to merely disclose at the meeting the fact that they have such an interest in the matter concerned.

10. Removal of entries in the register

10.1 An entry in the register of interests will be removed once the person concerned:

- (a) no longer has the interest, or
- (b) is (otherwise than transitorily on re-election or re-appointment) neither a Councillor nor a Co-opted Member of the Council.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **REGULATORY COMMITTEE** held on 27 September 2021 at 11.15 am

Present Councillors

R J Chesterton, Mrs F J Colthorpe,
D R Coren, L J Cruwys, J Cairney,
L D Taylor and Mrs E J Slade

Apologies Councillor(s)

J M Downes, D J Knowles, Mrs E M Andrews, S J Penny
and J Bartlett

Also Present Officer(s):

Simon Newcombe (Corporate Manager for Public Health,
Regulation and Housing), Deborah Sharpley (Solicitor),
Joanne Pope (Commercial Team Leader Public Health),
Sarah Lees (Member Services Officer) and Carole Oliphant
(Member Services Officer)

9 APOLOGIES AND SUBSTITUTE MEMBERS (0.02.39)

Apologies were received from Cllrs Mrs E M Andrews, J Bartlett, D J Knowles, S J Penny and J M Downes who was substituted by Cllr L J Cruwys.

10 HYBRID MEETINGS PROTOCOL (0.02.49)

The Committee had before it, and **NOTED**, the Hybrid Meeting Protocol.

Note: *Protocol previously circulated and attached to the minutes.

11 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.02.53)

Members were reminded of the need to declare interests as appropriate.

12 PUBLIC QUESTION TIME (0.03.00)

There were no members of the public present.

13 MINUTES (0.03.11)

The Minutes of the meeting held on 6th August 2021 were agreed as a true record and duly signed by the Chairman.

14 **MOBILE HOMES FIT AND PROPER PERSON FEE CHARGE AND POLICIES (0.03.59)**

The Committee had before it a *report from the Corporate Manager for Public Health, Regulation and Housing (Chair East & Mid Devon CSP) presenting the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 and the fees and policies required by the Council to implement the regulations.

The officer explained that the legislation introduced a test for managers of commercial mobile home sites to be a fit and proper person and that there was a fee requirement and new policies had to be introduced.

He explained that non-commercial mobile home sites were exempt from the legislation including touring sites and some traveller sites.

The report explained how the Council would manage applications and what guidance would be provided and that there were a number of options when an application was received. The report also detailed the requirement for delegated powers to be given to allow officers to set future fees and enforcement activities. The fees were not for profit but covered the costs associated with processing the applications.

In response to questions the officer confirmed that each mobile home site would be determined on its own merits to decide if the legislation applied and a lot of groundwork had already been completed to contact mobile home sites in the district.

In response to Members thoughts that the recommendations should be reworded from 'adopt and agree' to 'agree and adopt' it was agreed to change the wording on the recommendations.

It was therefore **RESOLVED** to **RECOMMEND** to Council to:

1. Agree and adopt the Mobile Homes Fit and Proper Person Fee Policy contained in Annex 1 of this report
2. Agree and adopt the Mobile Homes Fit and Proper Person Fee Calculation contained Annex 2 of this report
3. Agree and adopt the Mobile Homes Fit and Proper Person Determination Policy contained in Annex 3 of this report
4. Delegate Authority to the Corporate Manager for Public Health, Regulation and Housing for the administration, including setting of fees, and enforcement of any provisions under The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020. These delegations can then be sub-delegated to relevant officers.

(Proposed by Cllr R J Chesterton and seconded by Cllr Mrs F J Colthorpe)

Reason for the decision: To allow the Council to introduce a fee and determination policy to implement the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.

Note: *report previously circulated and attached to the minutes

(The meeting ended at 11.36 am)

CHAIRMAN

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SPECIAL MEETING OF THE REGULATORY COMMITTEE

27 SEPTEMBER 2021

MOBILE HOMES FIT AND PROPER PERSON FEE CHARGE AND POLICIES

Cabinet Member(s): Cllr Dennis Knowles

Responsible Officer: Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing (Chair East & Mid Devon CSP)

Reason for Report and Recommendation: The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 ("the Regulations") introduced a Fit and Proper Person test for mobile home site owners or the person appointed to manage the site, unless exempted by the Regulations. From 1 July 2021 until 1 October 2021 protected sites, operated on a commercial basis, must be shown to be being managed by a fit and proper person. This report brings forward a new fee and determination policy to allow the Council to implement these regulations.

Recommendation: That the Special Regulatory Committee recommend to Council the following:

1. **Adopt and agree the Mobile Homes Fit and Proper Person Fee Policy contained in Annex 1 of this report**
2. **Adopt and agree the Mobile Homes Fit and Proper Person Fee Calculation contained Annex 2 of this report**
3. **Adopt and agree the Mobile Homes Fit and Proper Person Determination Policy contained in Annex 3 of this report**
4. **Delegate Authority to the Corporate Manager for Public Health, Regulation and Housing for the administration, including setting of fees, and enforcement of any provisions under The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020. These delegations can then be sub-delegated to relevant officers.**

Financial Implications: There are no financial implications as a result of this activity. The fee is legally calculated to ensure that the provision is cost neutral. The fee must be transparent and reasonable to only cover the cost of the application and determination for the Fit and Proper Person test. The fee will be reviewed annually to ensure it continues to remain cost neutral for the Council. Further information contained within the report.

Budget and Policy Framework: Budget and financial considerations are set out above. Any cost of delivering this element of the licensing service within Public Health will be balanced by fee income.

The policies set out are consistent with other adopted licensing policies and written specifically to ensure compliance with the relevant legislation (see below). Policies are also consistent with the adopted Enforcement Policy for the Council.

Legal Implications: Matters set out herein are determined by the Regulations” which introduce a Fit and Proper Person test for mobile home site owners or the person appointed to manage the site.

Under this legislation, the Council must have the fee policy documents in place to be able to enforce the Regulations. The Council could be challenged if the policy and associated documents are not in place to allow site managers to apply for the Fit and Proper Person test by the deadline of 30 September 2021.

Risk Assessment: Failing to introduce this policy puts the Council at risk of not being able to fulfil a statutory duty. Government guidance was published in June 2021 and the legislation requires applications to be submitted between 1 July and 30 September 2021 for existing sites. Not having the policy in place has a reputational risk for the Council as site managers will not be able to comply.

Equality Impact Assessment: An EIA has not been undertaken for this report. The policies set out herein are determined purely by the provisions of the legislation set out above and do not discriminate against any relevant persons with protected characteristics. Matters in relation to fee setting also follow the relevant legal provision and are set on a cost-neutral basis.

Relationship to Corporate Plan: This report and the annexes attached link directly to the Licensing Authority functions of the Council with the primary aim of protecting public safety and ensuring the well-being of our community and licensed service users. It therefore contributes to the priority of Community within the Corporate Plan.

Impact on Climate Change: None directly arising from the report.

1.0 Introduction and legislative background

- 1.1 The Regulations” introduced a Fit and Proper Person Test for mobile home site owners or the person appointed to manage the site, unless exempted by the Regulations. The Regulations apply to all relevant protected sites. These include both “residential parks”, which are used exclusively residentially, and “mixed use parks”, which are used for both residential and holiday purposes. Non-commercial family-occupied sites are exempt from the regulations requiring a fit and proper person test.
- 1.2 It is important to highlight that from 1 July 2021 until 1 October 2021 protected sites, operated on a commercial basis, must be shown to be being managed by a fit and proper person.

1.3 The attached policies and fee will enable the Council's Public Health Licensing team to implement the new Regulations to enable site owners, or the person appointed to manage the site, to make their applications to be assessed as fit and proper and included on the public register of fit and proper persons managed by the Council. The purpose of the Fit and Proper Person Test is to protect residents living in protected sites park homes from rogue landlords; poor maintenance and mismanagement of sites. We already undertake fit and proper tests on landlords and managers of houses in multiple occupation (HMOs).

2.0 Definition of a fit and proper person

2.1 The applicant (owner or manager) wishing to be included on the register will have to show that there are suitable financial and management arrangements in place for the site.

2.2 They must provide information relating to their conduct in relation to any of the following:

- Offences relating to fraud, dishonesty, violence, arson or drugs or listed in schedule 3 of the Sexual Offences Act 2003
- Contraventions of law in relation to: housing, caravan sites, mobile homes, public health, planning or environmental health or landlord and tenant law
- Contraventions of law in relation to the Equality Act 2010, or in connection with the carrying out of any business
- Harassment of any person in connection with the carrying out of any business
- Insolvency within the last 10 years
- Disqualification from acting as a company director within the last 10 years
- Having the right to work in the UK.

3.0 Sites affected by the change

3.1 This legislation only applies to park home sites, which operate on a commercial basis, where units are sold or rented to residents. These are "residential parks", which are used exclusively residentially, and "mixed use parks", which are used for both residential and holiday purposes.

3.2 Units which are only occupied by the site owner or members of the site owner's family do not need to apply. If park homes are rented out to non-family members, then the owner or site manager will need to apply to be included on the register. The law does not cover touring or holiday caravan sites.

4.0 The fit and proper person application process

- 4.1 Under the legislation the fit and proper person must be the person with day-to-day responsibility for managing a site.
- 4.2 That is the site owner or a person appointed to undertake managing the site on the owner's behalf.
- 4.3 Anyone applying for a new site licence, or the transfer of a site licence to a new owner, will need to apply to have themselves or the site manager included on the fit and proper person register held by the Council and pay a fee.
- 4.4 Applications must be received between the 1st July 2021 and by midnight of 30 September 2021 (inclusive) to be assessed as a Fit and Proper Person.
- 4.5 It is a criminal offence if the owner or manager operating a site fails to comply with the Fit and Proper Person Test. If found guilty at a Magistrates' Court they could be liable to pay up to an unlimited fine (level 5).
- 4.6 The applicant seeking to be assessed as a Fit and Proper Person and entered on the register will need a basic DBS certificate (dated no more than 6 months before the date of the application). This must be included with the application. The DBS certificate must be from an approved supplier.
- 4.7 An application and guidance will be sent to the applicant including how to arrange a DBS check. The applicant will be required to carry the cost of the application and pay the Council the published fee. Further information is in Annex 3, the Mobile Homes Fit and Proper Person Determination Policy and the Guidance for Site Owners (attached in Annex 4 for reference).
- 4.8 Once a valid application has been received the Licensing team will determine the application within a timely and practicable manner and notify the applicant of the result in writing.
- 4.9 The application can be approved as follows:
- Unconditional – no conditions attached
 - Approved with conditions – specific conditions may be required
 - On condition of appointment of a manager determined by the Council who is authorised as Fit and Proper

- 4.10 More information in respect of the Fit and Proper Persons Test, sites impacted and the application process is contained in Annex 3 – the Mobile Homes Fit and Proper Person Determination Policy.

5.0 Fees

- 5.1 The cost of applying the Fit and Proper Person test must be cost neutral for the Council. Applying to be assessed as a Fit and Proper Person and for inclusion on the register carries an application fee of £304.18 for the 2021/22 period. The fee is calculated by assessing the steps required by the Licensing team to process the application, how long each step takes and the hourly cost of the officer undertaking the task. A full breakdown of how the fee has been calculated is shown in Annex 2 – Mobile Homes Fit and Proper Person Fee Calculation and the policy for the fee calculation is set out in detail in Annex 1 - Mobile Homes Fit and Proper Person Fee Policy.
- 5.2 The fee will be reviewed on an annual basis. As this process is new the proposed fee is an estimate of the time this is likely to take. The next review will be able to provide a more accurate view of the time taken to process these applications. The fee will then be updated accordingly.
- 6.0 The proposed delegated powers will allow for the service to administer and enforce these statutory provisions going forward and to update fees annually as set out above.

7.0 Publication of the Register

- 7.1 All applicants for the Fit and Proper Person Test must be entered onto a public register. The register must be published on the Council's website. The register must be set out in a standard format as required under the Regulations. A copy must be available to any person on request.
- 7.2 The register will be published from 1 October 2021.

8.0 Recommendations

- 8.1 That the Regulatory Committee recommend to Council the following:
1. Adopt and agree the Mobile Homes Fit and Proper Person Fee Policy contained in Annex 1 of this report
 2. Adopt and agree the Mobile Homes Fit and Proper Person Fee Calculation contained in Annex 2 of this report
 3. Adopt and agree the Mobile Homes Fit and Proper Person Determination Policy contained in Annex 3 of this report

**MID DEVON DISTRICT COUNCIL
FIT AND PROPER PERSON
FEE POLICY**

Introduction

1. A relevant protected site is a site which requires a licence, which is not solely for holiday purposes or is otherwise not capable of being used all year round. A relevant protected site cannot operate unless the local authority is satisfied that the manager qualifies as a fit and proper person.
2. A site owner under the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (SI 2020/1034) ("the Regulations") must apply to their local authority for the relevant person (themselves or their appointed manager) to be assessed as fit and proper and added to the register of fit and proper persons managing sites in their area
3. The site owner may only apply to be added to the register if they hold, or have applied for, a site licence for the site. This provision also applies where the site owner or site manager is a registered company.
4. The Regulations permit the local authority to determine the fee for an application or registration for someone to be added to the register. It is imperative that the fee is included with the application and failing to include this may mean that the site owner is in breach of the requirements of the Regulations.
5. This fee policy refers to the annual fee to recover costs the local authority may have incurred, or which will be incurred, in appointing a person to manage a site with the site owner's consent.
6. Site owners will be required to submit a completed application from 1 July until 30 September 2021 (3 months) and pay the fee, outlined below, to Mid Devon District Council ("the Council"), which will also include any additional fees such as an annual site fee.

Fees for Fit and Proper Persons Register Applications

Initial application fee

A fixed initial application fee:

7. The Council believes that the fit and proper person assessment and/or checks to be included on the fit and proper register will take a total of **13 hours** per application (**Plus time spent on the pre-application advice which is fixed at £30**).

8. The checks are likely to be carried out by the same officers who carry out the licensing functions and, therefore, their hourly rates as per the table below should be applied. Therefore, the fee is set at **£334.18** for the fit and proper person application.

Role	Hourly rate	Hourly rate (including onward costs) 21/22
Business Support Officer (SCP 11)	£11.40	£17.98
Specialist Lead Officer (SCP 28)	£16.71	£26.70
Commercial Team Lead (SCP 36)	£20.67	£33.22

9. The Council will take into account the following matters on which costs are incurred, or likely to be incurred (by various departments, including costs incurred by outsourcing contracts), when determining its fee policy for consideration of applications for entry on a fit and proper person register:

- (a) Initial enquiries;
- (b) letter writing/ telephone calls etc. to make appointments and requesting any documents or other information from the site owner or from any third party in connection with the fit and proper process;
- (c) sending out forms;
- (d) updating files/ computer systems and websites;
- (e) processing the application fee;
- (f) land registry searches;
- (g) time for reviewing necessary documents and certificates;
- (h) preparing preliminary and final decision notices;
- (i) review by manager or lawyers; review any representations made by applicants or responses from third parties;
- (j) updating the public register;
- (k) carrying out any risk assessment process considered necessary and
- (l) reviews of decisions or in defending appeals.
- (m) Site visits
- (n) Amending conditions

10. It is important that charges must be limited to recovering the costs of exercising the fit and proper person test function only and not other costs that have already been charged for by other service areas.

11. Please see the Council's **Fit and Proper Person Fee Calculation** which provides transparent justification for the fee to be imposed upon receipt of the initial application. The purpose of this is to demonstrate that the fees imposed are fair and transparent.

Additional considerations for an application fee:

12. The Council will be required to conduct relevant background checks on the applicant in management and their financial standing. The results of these will allow the Council to decide on whether or not to accept the application. The

time taken for these checks is accounted for in the fee, irrespective of whether or not the entry on the register is granted.

13. Where an applicant contacts the Council before making an application, to ascertain the likelihood of the success of that application, the authority is expected to provide informal advice, for example, the conditions surrounding an application or the information required to be submitted and general guidance on making the application. This advice is accounted for in the fee once the application is received.

Annual fee for an existing entry on the register:

14. Where the application by a site owner is more complex the Council is able to increase the fee, according to officer time as referred to in paragraph 8 above. The officer will be required to provide the applicant with information as to why the additional charge is to be incurred. Please refer to the items outlined in paragraph 9 above for the list of matters which may be included in calculating the annual fee.
15. The Council will be required to evidence any further work and time spent on a complex site's fee. This will be outlined in writing at the time of the determination. The hourly rates used for calculating the annual fee is set out in paragraph 8 above.
16. The annual fee includes the cost of monitoring the fit and proper person register or any conditions attached to entries in the register.
17. The annual fee is to be paid on 1 October.

Where no fee is applied

18. In certain circumstances, the Council may determine that no fee is required to be paid. A site is exempted from a fee only if it is occupied by members of the same family and is not being run as a commercial residential site.

An appointed manager fee

19. This is where the Council is provided with the site owner's consent to appoint an individual to manage a site. The costs associated with this should be reasonable and are recoverable from the site owner. The hourly rates used to calculate the fee are referred to at paragraph 8 above.

Revising Fees

20. The Council may revise its Fee Policy and will be required to publish the revised Policy. Any changes will be justifiable and reasonable, ensuring full transparency for the site owner.
21. The items that can be included in calculating the application fee and annual fee are set out in paragraph 9 above.

Amending conditions attached to an entry on a register

22. The Council may alter the conditions attached to an entry on the register (by adding new conditions or varying or removing existing ones), following a review. The Council will notify the site owner of its interim decision (except in the case where it is removing a condition) and consider any representations made by the site owner, before reaching a final decision. If the site owner is unhappy with the decision to alter, or not alter, the conditions, they will have a right of appeal to the First-tier Tribunal (Property Chamber) at Her Majesty's Courts and Tribunals Service, Havant Justice Centre, The Law Courts, Elmleigh Road, Havant, Hampshire, PO9 2AL.
23. There are no requirements for a site owner to make an application for a condition to be varied. Any costs involved with varying existing conditions, or adding new conditions to an entry are factored into the cost of calculating the annual fee.

Site visits – Officer and travel time

24. Officer time can be considered as part of the fee, where site visits are required to ascertain whether or not site condition(s) are met. Travel time to and from the site, including fuel costs, can also be taken into account and could be calculated using a single value for travel costs which could be applied to all sites.

Payment of fees

25. As outlined above in paragraph 4, The Council is not required to consider an application for entry on the register unless that application is accompanied by the correct fee. If the correct fee is not paid, the application will not be valid and the site owner could be in breach of the Regulations.
26. If the Council decides not to approve an application the applicant is not entitled to a refund of the fee paid.
27. The annual fee must be set as a condition to any entry being added to the register. The condition should state the amount and date by which the annual fee payment is due, also stating that failure to make such payment will be a breach of the condition and may lead to legal proceedings being issued.

Annex 2: Mid Devon Fee Calculation:

Role	Hourly rate	Hourly rate (including onward costs) 21/22
Business Support Officer (SCP 11)	£11.40	£17.98
Specialist Lead Officer (SCP 28)	£16.71	£26.70
Commercial Team Lead (SCP 36)	£20.67	£33.22

	Task	Time/Fixed costs	Cost (inc on costs)
	Pre- app Advice	Fixed cost	£30.00
BSO	Setting up on Lalpac and sending introductory letter	0.5	£8.99
BSO	Sending application form and guidance/ fee policy	0.5	£8.99
BSO	Scanning returned completed application and documents. Update Lalpac. Create file.	0.5	£8.99
BSO	Processing application fee	0.5	£8.99
SLO	Checking application completed and all documentation returned	1	£26.70
BSO	Send email/letter of confirmation	1	£17.98
BSO	Received application/ determination process or request for further information/ fee payment receipt History check planning/ licence/complaints	1	£17.98
BSO	Check Land Registry and review Land registry fee (£3 fixed)	0.25	£4.50 £3.00
SLO	Determination and set conditions	2	£53.40
CTL	Peer review	1	£33.22
BSO	Record determination update	0.5	£8.99
BSO	Scan documents to Lalpac	0.25	£4.50
SLO	Review representations made	1	£26.70
	Prepare preliminary and final decision notices	1.5	£40.05
SLO	Carry out risk assessment	1	£26.70
BSO	Update public register	0.25	£4.50
BSO	Update online register	0.25	£4.50
			<u>£334.18</u>

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**MID DEVON DISTRICT COUNCIL
MOBILE HOMES FIT AND PROPER PERSON DETERMINATION POLICY**

Introduction

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (“the Regulations”), require the owner or manager of a site to be a Fit and Proper Person.

The Regulations allow local authorities to receive applications from site owners, or the person appointed to manage the site, from 1 July 2021 up to and including 30 September 2021. Mid Devon District Council (“the Council”) must be satisfied that the site owner *“is a fit and proper person to manage the site”* or, if the owner does not manage the site, *“that a person appointed”* to do so by the site owner *“is a fit and proper person to do so”* or has, with the site owner’s consent, *“appointed a person to manage the site.”*

The Council can appoint a person to manage the site, but only with the consent of the site owner where a site owner or their manager fails the fit and proper person test, and they are unable to identify and appoint a suitable alternative manager, who must pass the fit and proper person assessment,

Principally, the fit and proper person test applies to a “relevant protected site”. A relevant protected site is a site which requires a licence and which is not solely for holiday purposes or is otherwise not capable of being used all year round.

The fit and proper person requirement will ensure that site owners, or their managers, have integrity and follow best practice. Additionally, it provides the safeguard that such individuals will not pose a risk to the welfare or safety of persons occupying mobile homes on the site i.e. park home owners.

Where a person has met the fit and proper person test, the register will give details of that person and of the site, including decisions made on how long a person’s inclusion is for, up to a maximum of 5 years.

In order to comply with the fit and proper person requirement a site owner must apply at least two months before the period (e.g. 5 years) comes to an end and submit a new application and correct fee for the person (or alternative) to be included in the register.

The Evidence

When conducting the fit and proper person assessment, the Council will consider the following points relevant to the application:

1. **Is the individual able to conduct effective management of the site?** This includes, but is not limited to, securing compliance with the site licence and the long-term maintenance of the site. It follows that, the Council must have regard to:

- (i) whether the person has a sufficient level of competence to manage the site;
- (ii) the management structure and funding arrangements for the site or
- (iii) the proposed management structure and funding arrangements.

(a) Competence to manage the site

This includes reviewing the competency of the appointed individual to ensure they have sufficient experience in site management, or have received sufficient training, and are fully aware of the regulations as well as health and safety requirements.

(b) The management structure and funding arrangements for the site

The Council will consider whether relevant and adequate management structures and a robust management plan is in place to ensure effective management of the site.

The Council will review the management plan to ensure it addresses the following issues: the pitch fee payment, proximity of the manager to the site, manager's contact details for residents (including out of office and emergency contact details), the complaints procedure, maintenance, staffing, and recycling/ refuse removal.

The applicant's interest in the land will have an important impact, as would their financial standing, management structures and competence, all of which could contribute to the overall assessment of their suitability to manage the site effectively.

(c) The proposed management structure and funding arrangements in place for managing the site

The Council will consider whether the applicant has sufficient funds (or has access to sufficient funds) to manage the site and comply with licence obligations. Evidence of these funds should be readily available with the application for the fit and proper test.

If funding is through a third party (including an associated company) the Council will consider the impact on whether the application is financially viable.

2. **Personal information relating to the applicant concerned.** This would include a criminal record check and should include evidence that the applicant:

- (a) has not committed any offence involving fraud or other dishonesty, violence, firearms or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements);
- (b) has not contravened any provision of the law relating to housing, caravan sites, mobile homes, public health, planning or environmental health or of landlord and tenant law;
- (c) has not contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business;
- (d) has not harassed any person in, or in connection with, the carrying on of any business;
- (e) is not or has not been within the past 10 years, personally insolvent;
- (f) is not or has not been within the past 10 years, disqualified from acting as a company director;
- (g) has the right to work in the United Kingdom and,
- (h) is a member of any redress scheme enabling complaints to be dealt with in connection with the management of the site (when this is in place).

The Council has a duty to investigate any conduct which could amount to harassment and any evidence obtained should be reviewed to determine whether it is sufficient to be used to prosecute a site owner.

The Council may also rely on convictions by the courts as evidence of harassing behaviour, which would reduce the risk of the local authority being successfully challenged on any refusal to approve an applicant on this basis.

The Council may have records of previous harassment complaints made against a site owner or their manager. Even if no action was taken on these complaints these will be taken into consideration in the fit and proper person determination.

These complaints may identify further potential risks and can also provide an indication of potential underlying problems with the management of the site or the site owner's lack of experience/skills in dealing with customers.

The Council in their determination will address any underlying issues by attaching conditions to the individual's entry on the register.

3. Upon rejection of a person's application by any other local authority this should be centrally recorded and include the details of the person involved and the reasons for the rejection.

Items to take into consideration

- 4. "The applicant" is defined as "the person who makes an application under the Regulations".
- 5. The "relevant person" is defined as "the subject of the fit and proper person assessment under Regulation 7".

6. The conduct of any person associated or formerly associated with the relevant person (whether on a personal, work or other basis) is also an important factor to be considered in the fit and proper person assessment.
7. Site owners may be required to provide details of the conduct of any current or former associates of the relevant person in the application form and should be considered by the council prior to making any final decisions. Those associates will not include other current joint owners as that information would have already needed to have been provided in their own application forms.

A relevant associate could be defined as any individual who may have played a part, directly or indirectly, in a decision or action, which has had an impact on residents' rights, or the quiet enjoyment of their homes.

8. The Council will take into consideration all matters deemed relevant to the fit and proper person application. These matters could be in relation to current or previous issues, or events, that have occurred in relation to the park site or any other park site owned or managed by the site owner or site manager in another local authority area. Additionally, the site owner's conduct regarding other business, outside of the park homes sector, can also have implications on the financial and management arrangements of the site in question. Any matters which the Council believe to be of relevance to the application should primarily focus on the relevant person's conduct, competence and their suitability to manage the site.
9. The Council will request and collect relevant information and evidence to support any additional matters that they require to be taken into consideration for the application.

Applications

The Regulations use various terms in the application process and these are outlined below:

“Relevant person” is defined in paragraph 2 of the Regulations and is “the subject of the fit and proper person assessment under Regulation 7”. Please note that this could be the site owner or person appointed to manage the site by the site owner.

“Relevant officer” is defined in paragraph 1 of Schedule 2 of the Regulations, where the applicant is a company, a relevant officer will be a director or other officer of the company; or, where the applicant is a partnership, a partner; or, where the applicant is a body corporate, a member of the management committee of that body.

“Required Information” is defined in paragraph 14 of Schedule 2 of the Regulations (even though the Regulations incorrectly state that this information is contained in paragraph 13) as: the person's name and business contact details; details of the person's role or proposed role in relation to the management of the site; where the person has not yet been appointed, the address, telephone number and email address (if any) at which the person may be contacted in respect of the application; details of each relevant protected site (other than that to which the registration application relates) — for which the person holds a licence issued under section 3 of

the Caravan Sites and Control of Development Act 1960, or in which the person has a legal estate or equitable interest, or which the person manages.

The application for inclusion in the fit and proper register, must therefore include the following:

The applicant and site details required

10. Details of the site and the applicant:

- (1) The applicant's name and business contact details.
- (2) Where the applicant is not an individual, the following information in relation to the individual completing the application on behalf of the applicant and each relevant officer:
 - (i) the person's name;
 - (ii) details of the person's role (if any) in relation to the management of the site.
- (3) The name and address of the site.
- (4) Evidence of the applicant's legal estate or equitable interest in the site.
- (5) Confirmation that the applicant is the occupier within the meaning of section 1 of the Caravan Sites and Control of Development Act 1960.
- (6) The name and business contact details of any other person that has a legal estate or equitable interest in the site.

11. The name and address of each other relevant protected sites:

- (1) for which the applicant holds a licence issued under section 3 of the Caravan Sites and Control of Development Act 1960;
- (2) in which the applicant has a legal estate or equitable interest; or
- (3) that the applicant manages.

12. The applicant must clearly specify whether their application is made in respect of either the applicant, or site owner, or the person that the applicant or site owner has appointed to manage the site.

13. Only once all the required documentation has been received and fee paid in full will the application be deemed as valid.

Information relating to the site manager

14. In circumstances where a "site manager" has been appointed to manage a site more information is needed. The person who is applying for the site manager to be registered as a fit and proper person (the relevant person) must provide the following information: the site manager's name and details of that person's role (if any) in relation to the management of the site.

If the site manager has appointed or intends to appoint a further individual ("A"), 'Required Information' would also be needed from A. And where A is not a relevant officer of the site manager, the relevant officer to whom A is accountable. for the day-to-day management of the site, should be the one to provide the Required Information.

Additional information when the applicant is the relevant person and an individual

16. When the applicant is the relevant person, and is an individual, and the applicant has appointed, or intends to appoint, someone else ("B") to be responsible for the day-to-day management of the site, 'Required Information' would be needed from B. If B is not an individual but is, instead, for example, a company, and B has appointed an individual ("C") to do the day-to-day management, 'Required Information' would be needed from C. Where C is not a Relevant officer of a company, the relevant officer to whom C is accountable for the day-to-day management of the site would also need to provide the Required information.

Additional information where applicant is relevant person and not an individual

17. When the applicant is the relevant person but is not an individual and the applicant has appointed or intends to appoint someone else ("B") to be responsible for the day-to-day management of the site, Required information would be needed from this person. If B is not a Relevant officer of the applicant the person to whom B is accountable for the day-to-day management of the site ("C") would also need to provide the Required Information. Where B itself is not an individual, the individual ("D") that B has appointed or intends to appoint to be responsible for the day-to-day management of the site would also need to provide the Required Information. Where D is not a Relevant officer of B, the relevant Officer to whom D is accountable for the day-to-day management of the site would also need to provide the Required Information.
18. It can be seen from the above that the Regulations prohibit the operation of a relevant protected site unless the site owner or its site manager (whatever the management structure might be) has been assessed by the local authority as a fit and proper person to do so. This has been included to ensure that consistent standards are applied to companies and other organisations that are not individuals.

Criminal record certificate/s

19. Criminal Records Certificates must be issued under section 113A (1) of the Police Act 1997 and will be required where: (a) the Relevant person is an individual and (b) for each individual in relation to whom the applicant is required to provide information for example, a site manager or individuals A, B, C or D as outlined above.
20. The criminal record certificate may be either basic or enhanced, at the discretion of the Council.
21. The criminal record certificate must have been issued no more than six months before the date of the application. It is incumbent upon the site owner to ensure that any certificates provided meet this requirement.

Declaration

A declaration made and signed by the “appropriate person”, which means:

- (a) where the applicant is a company, a director or other officer of the company;
- (b) where the applicant is a partnership, one of the partners;
- (c) where the applicant is a body corporate and the conduct of the management of the body is vested in its members, a member;
- (d) where the applicant is not a body falling within (a) to (c) above, a member of the management committee;
- (e) where the applicant is an individual, that individual.

22. Where the applicant is not the relevant person, the declaration must confirm that the applicant has made all reasonable enquires into the matters mentioned in paragraph 9 of the Regulations and considerations relevant to the fit and proper person assessment as set out below.

23. The declaration must state that the information provided in the application is correct and complete to the best of the applicant's knowledge and belief.

Considerations relevant to fit and proper person assessment

24. Proper management of the site includes, but is not limited to, securing compliance with the site licence and the long term maintenance of the site.

25. To be able to secure the proper management of the site, the Council must (amongst other things) have regard to whether the relevant person has a sufficient level of competence to manage the site and the management structure or proposed management structure and funding arrangements.

Decisions, notification and rights of appeal

26. The Council must make a decision on the application in a timely and practicable manner and either:

- (a) where the decision is to grant the application unconditionally and include the relevant person on the register for 5 years, serve a final decision notice on the applicant; or
- (b) otherwise, serve a preliminary decision notice on the applicant.

27. On receipt of an application the local authority may:

- (a) grant the application unconditionally;
- (b) grant the application subject to conditions; or
- (c) reject the application.

Granting the application unconditionally

28. Where the Council is satisfied that the applicant meets the fit and proper person test unconditionally, they must include the applicant on the register for 5 years. The authority must issue a final decision notice to the applicant to inform them of its decision.

29. The final decision notice must clearly state:
- (a) the date the final decision notice is served;
 - (b) the final decision;
 - (c) the reasons for the decision;
 - (d) when the decision is to take effect;
 - (e) information about:
 - (i) the right of appeal to the First Tier Tribunal; and
 - (ii) the period within which an appeal may be made.

To include the applicant on the register subject to certain condition(s)

30. In some circumstances, the Council will specify that the individual for the fit and proper person test will only be successful if certain conditions are met. If these conditions are satisfied, the Council can grant an application subject to those condition(s). The Council can also grant an application for less than 5 years.
31. It may be the case that the Council decides to include the person on a register subject to condition(s), if it would only be satisfied that the person would meet the fit and proper requirement if the condition(s) were complied with. An applicant will be able to appeal against the decision to attach (or vary) any condition to an entry on the register.
32. Conditions will be clearly stated for the applicant's understanding and this will also allow for local authorities to ensure that they are enforceable.

An example of the requirements are included in the Table 1 below.

Table 1

Specific	The specific condition/s a site owner is being requested to address.
Measurable	The conditions required and the outcome(s) expected.
Achievable	The applicant should be reasonably expected to be able to achieve the condition. For example, it may not be reasonable to expect a site owner of one small site to have the same resources to introduce the same procedures as a medium sized company.
Realistic	The applicant should have a clear understanding of how the required outcome can be reached and that there are no circumstances or factors which would make the achievement of the outcome impossible or unlikely.
Timebound	A clear timescale in which the task/action must be completed.

What can a condition relate to?

33. The fit and proper person test is aimed at ensuring that the person managing the site is competent and the conditions should relate directly to the person's ability to secure the proper management of the site.

34. Where a person has contravened legislation, or committed offences set out in paragraph 2 above, it is not recommended that conditions are set in relation to those matters. This is because such a condition would be unlikely to meet the tests set out above in paragraph 33. For example, if a person has committed fraud or violence, that specific incident cannot be reversed by requiring the person to perform a specific task.
35. The Council will where the person has committed those listed offences or contravened legislation, these breaches should be considered, together with all the other information available, when reaching their preliminary decision.
36. Conditions can relate to any factors which are relevant to the person's competence to manage the site, the management structure, or funding arrangements for the site, an associated person's influence, and any other relevant factors.
37. **Example 1** - A local authority has evidence of a site owner's failure over a certain period of time to address residents' complaints. This is an example of poor management which could be resolved by the site owner implementing an adequate complaints procedure. A condition could be attached requiring the site owner to *"implement an effective and accessible three stage complaints process for residents by xx date and provide the LA with quarterly reports of complaints and outcomes, from that date and for the first year"*.

If the condition is met within the specified time frame, the local authority can record this in the register. If, at a future date, it is found that the site owner failed to implement a complaints procedure, a further opportunity to comply may be given and this could include a new condition of the site owner providing quarterly reports of complaints and outcomes for each year. The site owner could also be expected to complete a relevant "CPD customer service/Dealing with complaints" course by a certain period. However, should the local authority consider the actions as unlikely to achieve the desired outcome, the site owner could be removed from the register.

38. **Example 2** – If, when considering an application, certain documents or information are unavailable to the applicant, because of delays from third parties, the local authority may wish to attach a condition to the entry on the register that the site owner "is to provide the authority by registered post, with the original xx document by xx date".
39. **Example 3** - An associated person has been visiting the park and, through their action 'X', has caused distress to the residents impacting their well-being and security. A condition could be attached to the register requiring the site owner to put measure(s) in place by xxx date preventing the associated person, or any other person, from carrying out action X on the site.

Decisions not to include the applicant on the register

40. The Council can refuse to grant the application should the Council determine that the applicant does not meet the requirements and attaching conditions would not be appropriate.

41. A preliminary decision notice to the applicant will be issued where a local authority makes a decision to include the applicant on the register, subject to conditions, or not to include the applicant on the register,
42. The preliminary decision notice must clearly state:
- (a) the date the preliminary decision notice is served;
 - (b) the preliminary decision;
 - (c) the reasons for it;
 - (d) the date it is proposed that the final decision will have effect;
 - (e) information about the right to make written representations
 - (f) where the preliminary decision is to refuse the application, the consequences of causing or permitting the land to be used as a relevant protected site in contravention of the regulations; and
 - (g) where the preliminary decision is to grant the application subject to conditions, the consequences of failing to comply with any conditions.

Right to make a representation

43. An applicant who receives a preliminary decision notice will have 28 days in which to make representations to the Council. The 28-day period begins with the day after the day on which the notice was served.
44. The Council will consider and take any representations it receives into account before making a final decision.

Final decision notice

45. The Council must, as soon as reasonably practicable, after the end of the period allowed for making representations, make a final decision and serve the decision notice on the applicant.
46. The final decision notice must set out:
- (a) the date the final decision notice is served;
 - (b) the final decision;
 - (c) the reasons for it;
 - (d) when the decision is to take effect;
 - (e) information about the right of appeal and the period within which an appeal may be made;
 - (f) where the decision is to refuse the application, the consequences of causing or permitting the land to be used as a relevant protected site in contravention of the regulations; and
 - (g) where the decision is to grant the application subject to conditions, the consequences of failing to comply with any condition.

Appeals

47. The applicant can decide to appeal the decision by making an application to the First-tier Tribunal (Property Chamber) within specific timeframes set by

the Tribunal. The applicant is permitted to appeal against any decisions served by the Council. These could include:

- (a) including the relevant person on the register for an effective period of less than 5 years;
- (b) including the relevant person on the register subject to conditions; and
- (c) rejecting the application.

48. Where an applicant accepts the Council's decision not to include the person originally stated in the application on the register, they will be required to seek alternative management arrangements to comply with the fit and proper person requirement. If the applicant fails to do so they will be committing an offence.

49. An applicant will not be able to claim compensation for losses incurred pending the outcome of an appeal.

Withdrawal or amendment of notice

50. There may be circumstances where the Council may decide not to continue or to withdraw a previously agreed action such as after serving:

- (a) a preliminary decision notice but before service of the final decision notice;
- (b) a final decision notice but before the decision to which it relates takes effect; or
- (c) a notice of proposed action but before the proposed action is taken.

51. To withdraw or amend a notice, the Council must serve notice to the person on whom the original notice was served.

52. There are no requirements for notices to contain specific information, however, it is recommended that a withdrawal or amendment notice will state:

- (a) That it is withdrawing/amending the original notice (a copy of the original notice should be attached for reference);
- (b) the reasons for withdrawing the notice;
- (c) the date it takes effect; and,
- (d) the implications of the decisions in relation to the person's entry on the register.

Removal from the register

53. If, after a person is included in the register, and new evidence relevant to the person's inclusion becomes available, the Council may decide to:

- (a) remove the person from the register;
- (b) impose a condition on the inclusion of the person in the register (whether or not there are conditions already imposed);
- (c) vary a condition; or
- (d) remove a condition.

54. The Council will use our judgement when determining whether to review an entry on the register and consider any subsequent actions that are required. A

decision will be related to the person being a fit and proper person rather than, for example, site licensing issues which are governed separately. If the Council decides to take any of the actions listed in paragraph 51 (a) to (c) above, the local authority must serve a notice of any proposed action on the occupier.

55. The notice of proposed action must clearly state:

- (a) the date the notice of proposed action is served;
- (b) the action the Council proposes to take;
- (c) the reasons for it;
- (d) the date it is proposed that the Council will take the action;
- (e) information about the right to make written representations;
- (f) where the proposed action requires the removal of a person from the register, the consequences of causing or permitting the land to be used as a relevant protected site in contravention of the regulations; and
- (g) where the proposed action is to impose a condition on the inclusion of a person in the register or to vary a condition, the consequences of failing to comply with said conditions.

56. A notice of proposed action is not required if the Council decides to remove a condition attached to an entry. A removal of a condition is viewed widely as being a positive step, which is unlikely to be opposed. It is for that reason that a notice of proposed action is not required. The Council will make the site owner or their manager aware of the decision in writing and also ensure the register is updated.

Notice of action taken

57. Where a notice of proposed action is given, the occupier will have 28 days, starting from the day after the notice is served, in which to make representations in writing to the Council.

58. The Council must, as soon as reasonably practicable after the end of the 28-day period, decide whether to carry out the proposed action.

59. Where the Council decides to take the action, the Council must serve a further notice on the occupier, indicating the action that has been taken, within the period of 5 working days beginning with the day after the day on which the action was taken.

60. The notice of action must set out—

- (a) the date the notice of action is served;
- (b) the fact that they have taken the action;
- (c) the reasons for doing so;
- (d) the date the action was taken;
- (e) information about the right of appeal and the period within which an appeal may be made;
- (f) where the action is to remove a person from the register, the consequences of causing or permitting the land to be used as a relevant protected site in contravention of regulations; and

(g) where the action is to impose a condition on the inclusion of a person in the register or to vary a condition, the consequences of failing to comply with any condition.

Offences

61. There are 3 offences which can occur within the Regulations. They are as follows:

- Operating a site in contravention of the fit and proper person regulations - The site owner may have certain defences under the Regulations in any proceedings brought against them.
- Withholding information or including false or misleading information in the registration application - The site owner will not have any defences under the Regulations in any proceedings brought against them for this offence.
- Failing to comply with a specified condition - The site owner may have certain defences under the Regulations in any proceedings brought against them.

62. The Licensing Team at the Council are responsible for enforcing the Regulations. A site owner found guilty in the Magistrates' Court of any of the above offences may be liable on conviction to a level 5 (unlimited) fine.

Defences

63. One defence is available to a site owner who has inherited a site and would be found to have a reasonable excuse for failing to make an application within the relevant periods as set out below.

Relevant periods in specific circumstances

64. The below table outlines limited circumstances where a site owner may have a defence.

Row	Circumstance	Relevant period for making an application in the circumstance
1	the occupier held a site licence immediately before the day on which regulation 4 (operating a site without being a fit and proper person) came into force on 1 October 2021.	From 1 st July 2021 before 1 October 2021, the day on which regulation 4 came into force
2	the period of a person's inclusion in the register in relation to the site has come to an end other than as a result of action by the local authority under regulation 8(1)(a) (removal from the fit and proper register after new relevant evidence becomes available).	not less than two months before the end of the period of the person's inclusion in the register
3	at the time that the occupier became entitled to within the period of 3 months possession of the land it was in use as a relevant protected site; and within the period of 28 days beginning with the day after the day on which the person became the occupier of	beginning with the day after the day on which the person became the occupier of the land

	the land the occupier notifies the relevant local authority of its intention to make an application under regulation 6 (application for inclusion in the register)	
4	at the time that the occupier became entitled to possession of the land it was in use as a relevant protected site; and the occupier does not give the notification referred to in row 3 above	within the period of 28 days beginning with the day after the day on which the person became the occupier of the land
5	a person appointed to manage the site no longer does so; and within the period of 28 days beginning with the day after the relevant day the occupier notifies the relevant local authority that the person no longer does so	within the period of 3 months beginning with the day after the relevant day
6	a person appointed to manage the site no longer does so; and the occupier does not give the notification referred to in row 5 above	within the period of 28 days beginning with the day after the relevant day
7	the breach of regulation 4(1) (operating a site without being a fit and proper person) arises because the local authority has removed a person from the register; and within the period of 28 days beginning with the relevant day in relation to the local authority's decision the occupier notifies the relevant local authority of its intention to make a new application under regulation 6 (application for inclusion in the register) in relation to the site	within the period of 3 months beginning with the relevant day
8	the breach of regulation 4(1) arises because the local authority has removed a person from the register; and the occupier does not give the notification referred to in row 7 above	within the period of 28 days beginning with the relevant day
9	the breach of regulation 4(1) (operating a site without being a fit and proper person) arises because the local authority has rejected an in-time application; and within the period of 28 days beginning with the relevant day in relation to the rejected application the occupier notifies the relevant local authority of its intention to make a new application under regulation 6	within the period of 3 months beginning with the relevant day
10	the breach of regulation 4(1) (operating a site without being a fit and proper person) arises because the local authority has rejected an in-time application; and the occupier does not give the notification referred to in row 9 above	within the period of 28 days beginning with the relevant day

The Fit and Proper Persons Register

65. The Council will set up and maintain a register of persons who they are satisfied are fit and proper persons to manage a site in the Mid Devon District. This register must be open to inspection by the public during normal office hours. The register also will be published online on the Council's website.
66. The register will provide a record of the outcome (as defined above) of the fit and proper person tests that the Council has carried out for sites. The register will include the following:
- (a) the name and business contact details of the person;
 - (b) the name and address of the relevant protected site to which the application relates;

- (c) the status of the person (site owner or manager of the site);
- (d) the dates of the first and last day of the period for which the person's inclusion in the register has effect;
- (e) whether any condition is attached to the person's inclusion in the register; and
- (f) where any condition is attached to the person's inclusion in the register—
 - (i) the number of any such conditions;
 - (ii) the dates of the first and last day of the period for which any such condition applies (if applicable); and
 - (iii) the date any condition is varied or satisfied (if applicable).

67. Where a person has met the fit and proper person test, the register will give details of that person and of the site, including decisions made on how long a person's inclusion is for, up to a maximum of 5 years.

68. In order to comply with the fit and proper person requirement a site owner must at least two months before the period (e.g. 5 years) comes to an end submit a new application and correct fee for the person (or alternative) to be included in the register.

69. Where there are rejected applications, the following information must be included in the register:

- (a) the name and address of the site to which the application relates;
- (b) that an application in respect of the site has been rejected; and
- (c) the date on which the application was rejected.

Details of the rejected application will remain on the register until a successful fit and proper person application is made in respect of the owner or manager of the site.

The name of the rejected applicant will not be included on the register. The Council will however be able to consider requests for further information about the entry on the register. For example, the details of the specific conditions attached and any additional information, on a case by case basis and in accordance with data protection legislation.

70. Where the Council has, with the site owner's consent, appointed a person to manage the site, the Council will include the following information on the register:

- (a) the name and business contact details of the person;
- (b) the name and address of the site which the person has been appointed to manage;
- (c) the status of the person;
- (d) the dates of the first and last day of the period for which the person's inclusion in the register has effect;
- (e) whether any condition is attached to the person's inclusion in the register; and
- (f) where any condition is attached to the person's inclusion in the register—
 - (i) the number of any such conditions;
 - (ii) the dates of the first and last day of the period for which any such condition applies (if applicable); and

(iii) the date any condition is varied or satisfied (if applicable).

71. The correct initial fee must be paid with application unless exempt as outlined in the Fit and Proper Person Fee Policy. Complex cases may have additional fees or an annual fee as outlined in the Fee Policy.
72. The annual fee to cover the Council's annual costs for checking conditions or in complex cases will be paid on the 1 October. The annual fee will be confirmed in writing to the site owner at the time of the determination.
73. The fee for the application to the fit and proper person register will be reviewed from time to time in accordance with the Fee Policy to ensure that this is reasonable and transparent.

ANNEX 4

THE MOBILE HOMES REQUIREMENT FOR MANAGERS OF SITE TO BE FIT AND PROPER PERSON

MID DEVON DISTRICT COUNCIL GUIDANCE FOR SITE OWNERS

Guidance for Site owners:

Overview:

1. Please note that this guidance is not comprehensive and does not cover every eventuality.
2. The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (“the Regulations”) introduces a fit and proper person test for site owners or the person appointed to manage the site. The purpose of the fit and proper person test is to improve the standards of park home site management.
3. An application must be made by a site owner, if they hold, or have applied for, a site licence for the site. An application fee must be paid and an annual fee may also be applicable. Please refer to the Mid Devon District Council Fit and Proper Person Fee Policy for further information on this which will be sent out at a later date.

Definitions

4. “The applicant” is defined at paragraph 2 of the Regulations as “the person who makes an application under regulation 6”.
5. The “relevant person” is also defined at paragraph 2 of the Regulations to mean “the subject of the fit and proper person assessment under Regulation 7”.

The application form

6. Please consider the application form carefully and answer all questions. The Application form must be completed and will contain information that is outlined in the Regulations. In summary, you must provide the following to the Council:
 - a) Details of site and applicant;
 - b) Information relating to the site manager;

- c) Additional information where another person who is an individual is involved in the day-to-day management;
 - d) Additional information where another person, who is not an individual, is involved in the day-to-day management of the site.
- 7. Where the site owner is an individual, the application must be completed by that individual.
- 8. If the site owner is a company or corporate body, the application must be completed by the 'appropriate person'. The appropriate person:
 - a) Where the applicant is a company, is a director or other officer of the company; or,
 - b) Where the applicant is a partnership, a partner; or,
 - c) Where the applicant is a body corporate, a member of the management committee.
- 9. The site owner must provide the following information about the responsible person's conduct. That is, whether the responsible person:
 - a) has committed any offence involving fraud or other dishonesty, violence, arson or drugs or listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements);
 - b) has contravened any provision of the law relating to housing, caravan sites, mobile homes, public health, planning or environmental health or of landlord and tenant law;
 - c) has contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business;
 - d) has harassed any person in, or in connection with, the carrying on of any business;
 - e) is, or has been within the past 10 years, personally insolvent;
 - f) is, or has been within the past 10 years, disqualified from acting as a company director; and
 - g) has the right to work in the United Kingdom.
- 10. A criminal record check (basic) must be submitted for the individual being assessed as the fit and proper person and, where applicable, other individuals responsible for the day-to-day management of the site. If a company, the individual responsible for day-to-day management of the site must also submit a criminal record check.
- 11. The criminal record check must have been issued no more than six months before the date of the Fit and Proper Person application.

Application – Other Considerations:

12. There are other considerations that the Council will take into account as outlined in the Regulations, such as:

- a) Ability to secure proper management of the site (e.g. site licence compliance and long term maintenance of the site).
- b) Sufficient competence to manage site.
- c) Management structure and funding arrangements.
- d) Proposed management structure and funding arrangements.
- e) Any offences (as outlined above) committed by responsible or relevant person outlined in paragraphs 3 & 4 of Schedule 3 of the Regulations.

13. The applicant must provide this information as outlined on the application form. Providing the above information will ensure that a balanced decision is made, tailored to a particular area or site. The Council will ensure that consistent standards are applied to companies and other organisations who are not individuals.

14. The applicant is to provide further detailed information about responsible persons who have responsibilities for the day-to-day management of the site including holiday cover.

Declaration

15. It is important that you are aware that the declaration on the form is to make the site owner accountable for providing the correct information. It will ensure that where the site owner asks for information from the relevant person, a responsible person, or anyone else involved in the management of the site, to enable them to complete the application form they do all they reasonably and legally can, to ensure they receive and provide the correct information.

16. The site owner could be prosecuted for a breach of the Regulations if it is later found that some or all of the information included in the form is false or misleading.

The Register

17. The Council must set up and maintain a register of persons who they are satisfied are fit and proper person/s to manage a site in the Mid Devon area. This register will be open to inspection by the public during normal office hours. This register will be published online on the Council's website. The register will contain the information as defined in the Regulations. The privacy statement under GDPR is published on Mid Devon District Council's website or available on request from licensing@middevon.gov.uk.

Council decisions

18. Decisions and notifications by the Council are expected to be made as soon as reasonably practicable once all requested information is provided. The Council can decide to either:
- a) Grant the application unconditionally and include the person's name on the register for 5 years;
 - b) If they anticipate another decision – serve a preliminary notice on the applicant.
 - c) If a preliminary notice is served, this must include reasons for their decision and about the right to make representations about the preliminary notice.
19. The site owner has 28 days in which to make written representations if they do not agree with the preliminary notice. Please send written representation to Specialist Lead – Licensing, Mid Devon District Council Phoenix House Phoenix Lane Tiverton EX16 6PP or email licensing@Middevon.gov.uk
20. The Council will take into account any representations before making its final decision and issuing the final decision notice. This must be done as soon as reasonably practicable after the conclusion of the 28 day period. Written representation will be considered by the Team Leader – Commercial.
21. A final notice must include reasons for the decision and about the right of appeal against the decision.

Review during inclusion

22. During decision for inclusion on the register, the Council will be able to review a person's inclusion if relevant new information comes to light.
23. Such review may result in removal from the register, addition, variation, or removal of a condition attached to a person's inclusion.
24. Following a review, of which the possibilities are outlined in paragraph 21 above, the Council must issue a notice to the site owner setting out specified information about any action it intends to take.
25. The site owner will have 28 days in which to make representations which the Council must consider before making a final decision on any action taken. Please send written representation to Licensing Mid Devon District Council Phoenix House Phoenix Lane Tiverton EX16 6PP or email licensing@middevon.gov.uk
26. Having made a decision and taken the proposed action, the Council must service a notice of action with 5 working days of the date of the

action, setting out the details of the action that it has taken and include detail as to the right to appeal.

Amending preliminary decisions:

27. The Council can withdraw or amend a preliminary decision before service of the final decision notice, or a final decision notice itself, before the decision to which it relates takes effect, or a notice of proposed action before the proposed action is taken, by serving a notice on the site owner.

Right to appeal:

28. A site owner has the right to appeal to the First-tier Tribunal (Property Chamber) against any decision to:

- a) Include a person on the register for less than 5 years.
- b) Attach or vary conditions to an entry on the register.
- c) Reject an application for an entry or remove a person from a register.

The First-tier Tribunal (Property Chamber) at Her Majesty's Courts and Tribunals Service, Havant Justice Centre, The Law Courts, Elmleigh Road, Havant, Hampshire, PO9 2AL .

Completion of register

29. Having assessed the application– the Council may decide to add the person to its fit and proper person register. Addition to the register may be with or without conditions.

30. If the person fails the fit and proper person test, the application and record of that decision is added to the register.

Application fee and annual fee:

31. The Council will be able to charge an application fee and an annual fee to recover the costs they have incurred, or which will be incurred in appointing a person to manage a site with the site owner's consent. The fee will be set out in the Fit and Proper Person Fee Policy which will be sent at a later date.

Offences:

32. There are 3 offences which can occur within the Regulations. They are as follows:
- (a) Operating a site in contravention of the fit and proper person regulations - The site owner will have certain defences under the Regulations in proceedings against them.

(b) Withholding information or including false or misleading information in the registration application - The site owner will not have any defences under the Regulations in proceedings against them for this offence.

(c) Failing to comply with a specified condition - The site owner will have certain defences under the Regulations in proceedings against them.

33. Mid Devon District Council Licensing are responsible for enforcing the Regulations. A site owner found guilty of any of the above offences could be liable on conviction in the Magistrates' Court to an unlimited fine. The Council will follow the Enforcement Policy PH/EP/09/20 published on the Mid Devon District Council website below
<https://www.middevon.gov.uk/residents/health-and-wellbeing/public-health-and-regulatory-services/public-health-enforcement-policy/>

34. Please bear in mind, in the worst case scenario, the Council can make an application to the Tribunal to revoke the site owner's site licence under paragraph 13 of the Regulations. [To date, the Ministry of Justice has not produce the relevant forms to be used in connection with the Regulations in the Tribunal.]

Where to send application:

35. Completed applications must be sent to: Licensing, Mid Devon District Council Phoenix House Phoenix Lane Tiverton EX16 6PP or email licensing@middevon.gov.uk

36. Fees will be requested once the application is received.

37. You are strongly advised to retain a copy of the form for your records.

Data Protection:

38. The Council manages personal data in accordance with the provisions of the Data Protection Act 1998 and the General Data Protection Regulations. The information you provide on this form will be used by the Council for the purposes of the fit and proper assessment. The privacy statement is available on the Mid Devon District Council's website or available on request.

39. We may share your information and make any other necessary enquiries with other departments within the council and statutory organisations in relation to the application.

40. Your personal information will be processed in line with Data Protection legislation. We will not disclose information about you to anyone

outside the Council unless the law permits or requires us to. We will retain your data for as long as it is required for our administrative use, after which it will be securely disposed of.

41. For the purpose of processing and maintaining the mandatory register of fit and proper persons in ownership or management of a protected mobile home site, the name, address, status (in relation to the relevant protected site) and detail about whether any conditions are attached to the inclusion in the register will appear on a public register of the fit and proper person test. This public register will be available on the Council's Website and can be requested by any person.
42. Where the application is being made on behalf of a person appointed, or to be appointed, to manage the site, you are strongly advised to ensure they are aware of the register and the information that will be entered into it. As the applicant, it is your responsibility to seek confirmation that the information they have provided to you is true and accurate.
43. If you believe the data the Council processes on you is incorrect you may request to see this information and, if necessary have it corrected or deleted. If you wish to raise a complaint you can contact our Data Protection Officer at (address below).
44. If you believe we are not processing your data lawfully you can complain to the Information Commissioner's Office (<https://ico.org.uk/>). Further details are available on our website below <https://www.middevon.gov.uk/business/licensing/caravan-sites/> or from the Data Protection Officer Mid Devon District Council Phoenix House Phoenix Lane Tiverton EX16 6PP or (email: dpo@middevon.gov.uk)

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